

**IN THE UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

JOHN EDWARD SPAULDING,

Plaintiff,

v.

THE STATE OF MONTANA  
VOCATIONAL REHABILITATION  
COUNSELOR PEGGY SHONE  
KELLY and PAROLE &  
PROBATION OFFICER JASON  
BAXTER,

Defendants.

CV-18-53-H-BMM

**ORDER ADOPTING MAGISTRATE  
JUDGE'S FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge Johnston entered Findings and Recommendations on November 14, 2018. (Doc. 9). Judge Johnston determined Plaintiff John Edward Spaulding's claims are barred by the applicable statute of limitations and that review by the Court is unwarranted. (Doc. 9 at 4-6).

No party filed objections to Judge Johnston's Findings and Recommendations. The Court has reviewed the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

## ORDER

Accordingly, **IT IS ORDERED that**

1. Magistrate Judge Johnston's Findings and Recommendations (Doc. 9) are Adopted in Full and this matter is DISMISSED.

2. The Clerk of Court is directed to close this matter and enter judgment in favor of Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.

3. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

4. The Clerk of Court is directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g)

DATED this 4th day of December, 2018.



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Brian Morris  
United States District Court Judge