

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

HERMAN VAN UDEN,

Plaintiff,

vs.

ASSISTANT WARDEN JIM  
SOLOMENSEN, DR. REES, and  
INFIRMARY WORKER JANET

Defendants.

CV 18-00069-H-BMM-JTJ

ORDER

Plaintiff Herman Van Uden (“Uden”), a pro se prisoner proceeding without counsel, filed a Complaint (Doc. 2) alleging that defendants Assistant Warden Jim Solomensen (“Solomensen”), Dr. Rees (“Rees”), and Janet Garcia (“Garcia”) denied him medical treatment. On January 11, 2019, defendants Solomensen and Garcia filed a Motion for Summary Judgment. (Doc. 24.)

Magistrate Judge John Johnston entered his Order and Finding and Recommendations in this matter on June 24, 2019. (Doc. 46.) Judge Johnston determined that defendants Solomensen and Garcia have established that there is no genuine dispute as to any material fact. *Id.* at 19. Judge Johnston recommended that defendants Solomensen and Garcia’s motion for summary judgment be

granted and that they be dismissed from this case. *Id.* Uden did not object to Judge Johnston's Findings and Recommendations.

Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). The Court finds no error in Judge Johnston's Findings and Recommendations.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 42) are **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that defendants Solomensen and Garcia **DISMISSED** from this action.

DATED this 24th day of July, 2019.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Brian Morris  
United States District Court Judge