IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

FRANCES BAGGERMAN,	)	CV 08-131-M-DWM-JCL
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
STEVE McAFEE, DAVE ARMERDING, and	)	
KARLA COPENHAVER,	)	
	)	
Defendants.	)	
	)	

Plaintiff Baggerman has filed a Complaint levying
generalized allegations of discrimination and harassment against
the Defendants. Plaintiff Baggerman is proceeding in forma
pauperis.

United States Magistrate Judge Jeremiah C. Lynch conducted
preliminary screening of the Complaint as required by 28 U.S.C. §
1915(e)(2). Under that statute, the court engages in a
preliminary screening to assess the merits of the claims and
identify cognizable claims, or dismiss the complaint or any
portion thereof if the complaint is frivolous, malicious, or
fails to state a claim upon which relief can be granted.

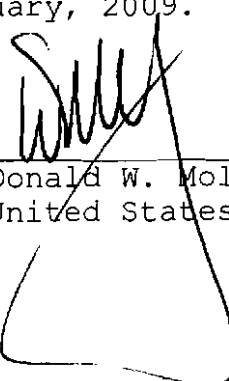Judge Lynch concluded that the Complaint lacks the factual

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allegations necessary to support Plaintiff's claims and issued an Order giving Plaintiff until October 17, 2008, in which to amend her Complaint to state a claim. Plaintiff Baggerman did not file an amended complaint or otherwise respond to the Order.

Judge Lynch then issued Findings and Recommendations in which he recommends dismissal of the Complaint for failure to state a claim upon which relief can be granted. Plaintiff Baggerman did not timely object and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). 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).

I can find no clear error with Judge Lynch's Findings and Recommendations (Doc. No. 5) and therefore adopt them in full.

Accordingly, IT IS HEREBY ORDERED that the Complaint is DISMISSED for failure to state a claim.

DATED this ___ day of January, 2009.

Donald W. Molloy, District Judge
United States District Court