

**FILED**  
APR 01 2010  
BY PATRICK E. DUFFY, CLERK  
DEPUTY CLERK, MISSOULA

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

ROGER A. STRODTBECK,	)	CV 09-153-M-DWM-JCL
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
BRIAN J. JONES, KRISTI CURTIS, and	)	
HEIDI ULBRICHT,	)	
	)	
Defendants.	)	
_____	)	


Plaintiff Strodtbeck filed his Complaint on October 15, 2009. To date, more than 120 days later, Strodtbeck has not effected service on the Defendants as required by Fed. R. Civ. P. 4(e).

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this case on February 24, 2010. Plaintiff Strodtbeck 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 reviews 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 recommendation and therefore adopt it in full.

IT IS HEREBY ORDERED this case is DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 4(m).

Dated this 1<sup>st</sup> day of April 2010.



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Donald W. Molloy, District Judge  
United States District Court

