

**FILED**

**NOV 05 2010**

**PATRICK E. DUFFY, CLERK**

**By** \_\_\_\_\_  
**DEPUTY CLERK, MISSOULA**

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

KERMIT POULSON,	)	CV 10-100-M-DWM-JCL
	)	
Petitioner,	)	
	)	
vs.	)	ORDER
	)	
WENDY, in UC BUILDING,	)	
UNIVERSITY OF MONTANA,	)	
	)	
Respondent.	)	
_____	)	

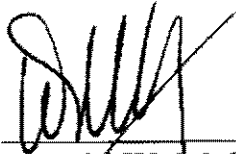
Plaintiff Kermit Poulson filed a complaint alleging injury after an incident in the UC Campus Building at the University of Montana. United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation on October 7, 2010 and recommended dismissing Poulson's Complaint for lack of jurisdiction. Plaintiff did not timely object to the Findings and Recommendation

and has therefore 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).

After a review of Judge Lynch’s Findings and Recommendation, I find no clear error. Accordingly,

IT IS HEREBY ORDERED that Judge Lynch’s Findings and Recommendation (dkt #5) are adopted in full. Poulson’s Complaint (dkt #2) is DISMISSED for lack of jurisdiction. The CASE is CLOSED.

Dated this 3 day of November, 2010.

  
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Donald W. Molloy, District Judge  
United States District Court