

**FILED**

**APR 01 2011**

PATRICK E. DUFFY, CLERK

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

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

CHARLES ADAM FIECHTNER, SR.,	)	CV 11-13-M-DWM-JCL
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
BIO LIFE PLASMA,	)	
JULIE BECK, and	)	
MICHAEL KORNISH,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Charles Adam Fiechtner, Sr. filed an Amended Complaint in this action as required by Order dated January 31, 2011. United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation on February 28, 2011 and recommended dismissing Fiechtner's Amended Complaint for failure to state a claim on which relief may be granted, and for lack of jurisdiction. Plaintiff did not timely object to the Findings and Recommendation, 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

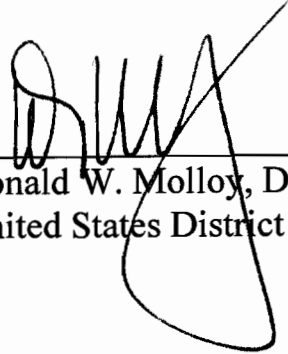
Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

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).

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 #9) are adopted in full. This action is DISMISSED for failure to state a claim on which relief may be granted, and for lack of jurisdiction.

Dated this 19<sup>th</sup> day of April, 2011.

  
\_\_\_\_\_  
Donald W. Molloy, District Judge  
United States District Court