

FILED

FEB 29 2012

PATRICK E. DUFFY, CLERK
By _____
DEPUTY CLERK, MISSOULA

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

KEVIN RAYMOND SULLIVANT,)	CV 11-119-M-DWM-JCL
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
SPECTRUM MEDICAL SERVICES,)	
NURSE PRACTITIONER JUDY, and)	
RAVALLI COUNTY,)	
)	
Defendants.)	
_____)	

On January 27, 2012, the defendants, Spectrum Medical, Inc., and Nurse Practitioner Judy filed a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). The defendants claim that Kevin Sullivant's Amended Complaint fails to

state a claim upon which relief may be granted.

Judge Lynch recommended denying the defendant's motion and recommended that the defendants be ordered to file an answer to the Amended Complaint.

The defendants did not object to Judge Lynch's Findings and Recommendations. Thus, the Court reviews the Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

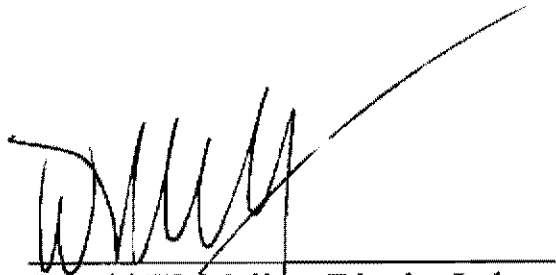
The Court finds no clear error in Judge Lynch's Findings and Recommendations and adopts them in full. In particular, Judge Lynch did not clearly err in finding that Mr. Sullivant's Amended Complaint states a claim upon which relief may be granted.

IT IS ORDERED that Judge Lynch's Findings and Recommendations (dkt # 28) are adopted in full.

IT IS FURTHER ORDERED that Spectrum Medical Services and Nurse Practitioner Judy's motion to dismiss (dkt # 23) is DENIED.

IT IS FURTHER ORDERED that these defendants are ordered to file an answer to Kevin Sullivant's Amended Complaint.

Dated this 20th day of February 2012.



Donald W. Molloy, District Judge
United States District Court

