

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

FILED
JUN 04 2012
By PATRICK E. DUFFY, CLERK
DEPUTY CLERK, MISSOULA

MIKE WEST,)
)
Plaintiff;)
v.)
)
SCOTT ELROD, M.D.; WESTERN)
MONTANA MENTAL HEALTH;)
and UNITED STATES;)
)
Defendants.)
_____)

CV 11-129-M-DWM-JCL

ORDER

Mike West filed this complaint, claiming that his doctor has prescribed West medication that causes him sexual dysfunction. West is a pro se prisoner proceeding *in forma pauperis*.

Since West is proceeding *in forma pauperis*, Judge Lynch screened West's complaint under 28 U.S.C. § 1915. Judge Lynch recommends dismissing the claims against the United States because West does not request any relief from the United States, nor does West allege any conduct that would subject the United States to liability. Judge Lynch recommends dismissing the claims with prejudice because West could not possibly amend his complaint to adequately state a claim against the United States.


Neither party objected to Judge Lynch's Findings and Recommendation. The Court therefore reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Lynch committed no clear error. The Court agrees with Judge Lynch and adopts his Findings and Recommendation in full.

IT IS ORDERED that Magistrate Judge Lynch's Findings and Recommendation (doc. 18) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Mike West's claims against the United States are DISMISSED WITH PREJUDICE.

Dated this 4th day of June 2012.



Donald W. Molloy, District Judge
United States District Court