

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

SHAWN RYAN COWAN,
Plaintiff,

vs.

STATE OF MONTANA,
GOVERNMENT, and
DEPARTMENTS thereof,

Defendants.

CV 12-105-M-DLC-JCL

ORDER

FILED

OCT 01 2012

PATRICK E. DUFFY, CLERK

By _____
DEPUTY CLERK, MISSOULA

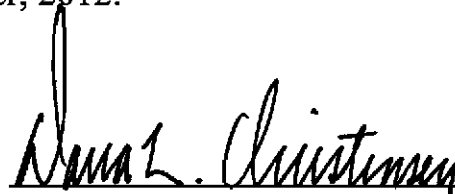
United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation on August 10, 2012, and recommended dismissing Defendants State of Montana, "Government", and "Departments thereof." Plaintiff did not timely object to the Findings and Recommendation, and so has waived the right to 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).

Cowan commenced this action seeking relief from outrageous and unfair treatment by employees of the State of Montana in violation of various rights afforded by the federal constitution and the Montana Constitution. He alleges he has been harassed and abused in the criminal justice system in Montana beginning as far back as 1992. Judge Lynch found that Cowan’s allegations do not constitute a short and plain statement of the basic facts and grounds showing he is entitled to relief. He concluded that Cowan’s Complaint, as presently pled, is subject to dismissal for failure to state a claim on which relief could be granted. Further, Judge Lynch afforded Cowan an opportunity to file an amended complaint. 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 (doc. 7) are adopted in full. Defendants State of Montana, “Government”, and “Departments thereof” are DISMISSED.

DATED this 1st day of October, 2012.



Dana L. Christensen, District Judge
United States District Court