

FILED
NOV 28 2012
Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

MIKE WEST,)	CV 12-160-M-DLC-JCL
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
STATE OF MONTANA,)	
MISSOULA COUNTY,)	
UNITED STATES OF AMERICA,)	
U.S. BORDER PATROL STATION,)	
MISSOULA COUNTY ATTORNEY,)	
WESTERN MONTANA MENTAL)	
HEALTH CENTER, BRUCE WOLD,)	
and RONALD P. BAPTISTE,)	
)	
Defendants.)	
)	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation on October 18, 2012, and recommended denying Plaintiff Mike West's request to proceed in forma pauperis and dismissing this action. Plaintiff did not timely object to the Findings and Recommendation, and so has waived the

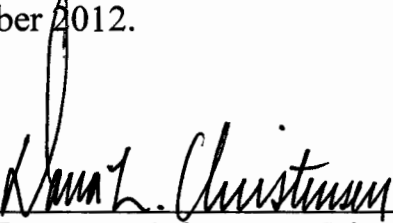
right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

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).

Judge Lynch found West’s allegations are “frivolous” and related the definitions of that term. He concluded that West’s pleading is fanciful, delusional, and frivolous, and could not possibly be cured by the allegation of other facts. 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. 5) are adopted in full. Plaintiff’s motion for leave to proceed in forma pauperis (doc. 1) is DENIED. This matter is DISMISSED.

DATED this 28th day of November 2012.



Dana L. Christensen, District Judge
United States District Court