

FILED

OCT 30 2013

Clerk, U.S. District Court
District Of Montana
Missoula

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

JASON CHRIST,

Plaintiff,

vs.

STATE OF MONTANA, CITY OF
MISSOULA POLICE
DEPARTMENT, OFFICE OF THE
PUBLIC DEFENDER, and
DETECTIVE STACY LEAR,

Defendants.

CV 13-75-M-DWM

ORDER

This matter comes before the Court on Findings and Recommendation of United States Magistrate Judge Jeremiah C. Lynch. (Doc. 27.) Plaintiff Jason Christ filed the Complaint giving rise to this action, asserting claims under 42 U.S.C. § 1983. (See Doc. 1.) United States Magistrate Judge Jeremiah C. Lynch entered Findings and a Recommendation regarding the Complaint on October 3, 2013. (Doc. 27.) Pursuant to 28 U.S.C. § 636(b)(1), objections to the Findings and Recommendation entered by Judge Lynch were due by October 21, 2013. No objections were filed.

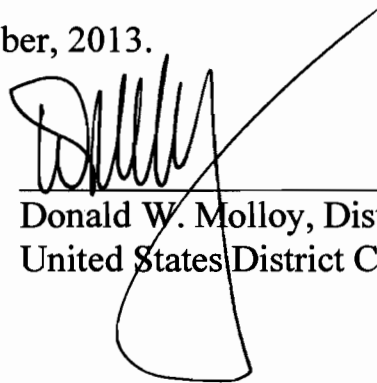
The Court reviews the findings and recommendation of a United States Magistrate Judge for clear error. *McDonnell Douglas Corp. v. Commodore Bus.*

Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error is present only 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. Mr. Christ’s failure to serve his Complaint on the State of Montana or the Office of the Public Defender render claims against those Defendants subject to dismissal under Federal Rule of Civil Procedure 4(m).

IT IS ORDERED that Judge Lynch’s Findings and Recommendations, (Doc. 27), are ADOPTED IN FULL. Mr. Christ’s claims against the State of Montana and the Office of the Public Defender are hereby DISMISSED WITHOUT PREJUDICE pursuant to Rule 4(m).

DATED this 30th day of October, 2013.



Donald W. Molloy, District Judge
United States District Court