

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

FILED

APR 10 2018

Clerk, U.S. Courts
District Of Montana
Missoula Division

DANIEL M. DURAM,

Plaintiff,

vs.

SAMARITAN HOUSE,

Defendant.

CV 18-29-M-DLC-JCL

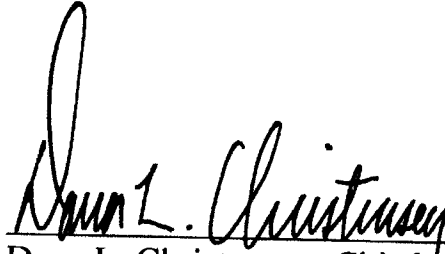
ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation on March 23, 2018, recommending this action be dismissed without prejudice for failure to prosecute. (Doc. 13 at 6.) Plaintiff failed to timely object to the Findings and Recommendation and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). 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) (citations omitted).

After reviewing for clear error and finding none,

IT IS ORDERED that Judge Lynch's Findings and Recommendation (Doc. 13) are ADOPTED IN FULL and this action is DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b).

DATED this 10th day of April, 2018.

A handwritten signature in black ink, appearing to read "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

Dana L. Christensen, Chief District Judge
United States District Court