

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

**FILED**  
AUG 06 2018  
Clerk, U.S. District Court  
District Of Montana  
Missoula

TOBY KITTRELL,  
  
Plaintiff,  
  
vs.  
  
MISSOULA COUNTY DETENTION  
FACILITY,  
  
Defendant.

CV 18-68-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendations in this case on May 14, 2018, recommending dismissal of the Missoula County Detention Facility as a defendant. Plaintiff Toby Kittrell (“Kittrell”) failed to timely object to the findings and recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

After reviewing the record and finding no clear error, this Court agrees with Judge Lynch’s findings in full.

Accordingly, IT IS ORDERED that Judge Lynch’s Findings and Recommendations (Doc. 8) are ADOPTED IN FULL.

(1) The Missoula County Detention Facility is DISMISSED.

DATED this 6<sup>th</sup> day of August, 2018.



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Dana L. Christensen, Chief Judge  
United States District Court