

FILED

MAR 03 2014

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

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

DARREN DEE GOLDSMITH, SR.,

Plaintiff,

vs.

LEWIS AND CLARK COUNTY, LEO
DUTTON, and BENEFIS SPECTRUM
MEDICAL, INC.,

Defendants.

CV 13-51-H-DWM-RKS

ORDER

This matter comes before the Court on Plaintiff Darren Dee Goldsmith, Sr.'s proposed Complaint (Doc. 2). Magistrate Judge Keith Strong entered findings and recommendations on January 28, 2014,¹ recommending Defendant Lewis and Clark County be dismissed and that Goldsmith's allegations regarding excessive

¹ A Findings and Recommendation was originally entered on January 23, 2014 (Doc. 8), but was replaced with a Nunc Pro Tunc Order and Findings and Recommendation (Doc. 9).

bail and denial of access to legal materials fail to state a claim upon which relief may be granted and should be dismissed. (Doc. 9.)

Goldsmith is entitled to *de novo* review of the specified findings or recommendations to he objects. 28 U.S.C. § 636(b)(1). The Court reviews the findings and recommendations that are not specifically objected to 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). Goldsmith did not file an objection.

The Court finds no clear error with Judge Strong’s determination that the Court must abstain from adjudicating Goldsmith’s allegation of excessive bail under *Younger v. Harris*, 401 U.S. 37 (1971) and that Goldsmith has failed to state a claim on the allegation he has been denied access to legal materials.

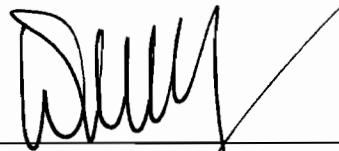
Accordingly, IT IS ORDERED that the Findings and Recommendation (Doc. 9) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Lewis and Clark County is DISMISSED.

IT IS FURTHER ORDERED that Goldsmith’s allegations regarding excessive bail and denial of access to legal materials are DISMISSED for failure

to state a claim upon which relief may be granted.

Dated this 3rd day of March, 2014.

A handwritten signature in black ink, appearing to read 'DMolloy', written over a horizontal line.

Donald W. Molloy, District Judge
United States District Court