Plain Feather v. Preite et al Doc. 6

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

FILED
BILLINGS DIV.
2010 AUG 4 PM 2 15
PATRICK E. DUFFY, CLERK
BY _____
DEPUTY CLERK

SARA PLAIN FEATHER,

Plaintiff,

vs.

ANTHONY PREITE, et al.,

Defendants.

CV 10-070-BLG-RFC

Order Adopting Findings and Recommendations of U.S. Magistrate Judge

United States Magistrate Judge Carolyn Ostby has entered Findings and Recommendation (*Doc. 4*) with respect to Plain Feather's Complaint (*Doc. 2*).

Upon service of a magistrate judge's findings and recommendation, a party has 14 days to file written objections. 28 U.S.C. § 636(b)(1). Plain Feather has filed a Motion for Reconsideration, which is taken as an objection. (*Doc. 5.*) Accordingly, the Court must make a *de novo* determination of those portions of the Findings and Recommendations to which objection is made. 28 U.S.C. § 636(b)(1). For the following reasons, Plain Feather's objections are overruled.

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Plain Feather states the dates of the incidents at issue were in 2001, 2002 and 2003. She further explains that she lost her housing due to an annual inspection in 2001. Plain Father did not file her Complaint until June 16, 2010. Her claims are undoubtedly barred by the applicable statute of limitations.

After a de novo review, the Court determines the Findings and Recommendation of Magistrate Judge Ostby are well grounded in law and fact and HEREBY ORDERS they be adopted in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Complaint (*Doc. 2*) is DISMISSED WITH PREJUDICE. The clerk is directed to notify the Court of Appeals of this Court's certification that the appeal is not taken in good faith.

The Clerk of Court shall notify the parties of the making of this Order and close this case accordingly.

DATED this 4th day of August, 2010.

RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE