

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

FILED

MAY 18 2016

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

JERRI JOETTE TILLET, CV 15-48-BLG-SPW
CV 15-61-BLG-SPW
Plaintiff,

vs.

ORDER

BUREAU OF LAND
MANAGEMENT, INTERIOR
BOARD OF LAND APPEALS, and
DEPARTMENT OF INTERIOR,
Defendants.

Plaintiff Jerri Joette Tillett brought these two actions against Defendants Bureau of Land Management, Interior Board of Land Appeals, and the Department of Interior (collectively “BLM”). In the two cases, Tillett challenges various aspects of the BLM’s management of wild horses on the Pryor Mountain Wild Horse Range (“PMWHR”). Tillett seeks a stay of all BLM actions on the PMWHR, a court-ordered investigation into BLM’s methodology, and \$500,000 in restitution payable to Tillett, tax-free. Without objection, United States Magistrate Judge Carolyn Ostby consolidated the two cases.

BLM has moved for summary judgment. On April 4, 2016, Judge Ostby issued Findings and Recommendations, in which she recommends that this Court grant BLM’s summary judgment motion. Judge Ostby concluded that BLM has

not waived its sovereign immunity for actions seeking restitution and court-ordered investigations. Liberally construing Tillett's other challenges as claims under the Administrative Procedure Act, Judge Ostby concluded that BLM has not acted arbitrarily or capriciously and complied with the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§ 1331-1340.

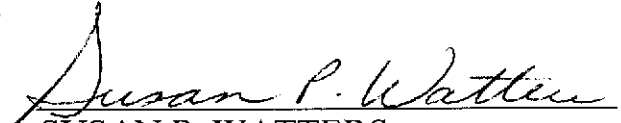
Tillett timely objected to Judge Ostby's Findings and Recommendations and is therefore entitled to de novo review of the specified findings or recommendations to which she objects. 28 U.S.C. § 636(b)(1). After a de novo review, the Court finds that Judge Ostby thoroughly and accurately analyzed BLM's summary judgment motion. Tillett does not point to any waiver of sovereign immunity that would allow this Court to order restitution or an investigation into BLM's practices. Further, a review of the record shows that BLM did not act arbitrarily or capriciously or violate the Wild Free-Roaming Horses and Burros Act when deciding how to manage the PMWHR.

Accordingly, IT IS HEREBY ORDERED:

1. Judge Ostby's Findings and Recommendations (Doc. 41) are ADOPTED IN FULL.
2. BLM's Combined Motion for Summary Judgment on Consolidated Cases (Doc. 25) is GRANTED.

3. The Clerk of Court shall enter judgments in CV 15-48-BLG-SPW and CV 15-61-BLG-SPW and close the cases.

DATED this 18th day of May, 2016.


SUSAN P. WATTERS
United States District Judge