

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

FILED
AUG 25 2015
Clerk, U.S. District Court
District Of Montana
Billings

DR. FELIX GUZMAN
RIVADENEIRA,

Plaintiff,

vs.

DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendants.

CV 15-60-BLG-SPW

ORDER

Dr. Felix Guzman Rivadeneira is a detainee confined in an Illinois jail and awaiting removal to Ecuador. Dr. Rivadeneira filed this action on behalf of himself and thousands of federal detainees who have allegedly been subject to unconstitutional confinement. United States Magistrate Judge Carolyn Ostby issued Findings and Recommendations on July 20, 2015, in which she concluded that Montana is not the proper venue for this action. In addition, Judge Ostby determined that this action is duplicative and identical to at least fifty other lawsuits filed by Dr. Rivadeneira around the country. Judge Ostby therefore recommends that this Court dismiss the Complaint.


Pursuant to 28 U.S.C. § 636(b)(1), Dr. Rivadeneira had 14 days to file written objections after Judge Ostby's Findings and Recommendations were filed.

No objections were filed. When neither party objects, this Court reviews Judge Ostby's conclusions for clear error. 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). After reviewing the Findings and Recommendations, this Court does not find that Judge Ostby committed clear error.

Accordingly, IT IS HEREBY ORDERED:

1. Judge Ostby's Findings and Recommendations (Doc. 4) are ADOPTED IN FULL.
2. Dr. Rivadeneira's Complaint (Doc. 1) is DISMISSED.
3. The Clerk of Court shall close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.
4. The Clerk of Court shall have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. The record makes plain the instant Complaint lacks arguable substance in law or fact.

DATED this 25th day of August, 2015.


SUSAN P. WATTERS
United States District Judge