

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

FILED

APR 28 2016

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

ADAM BLASKOWSKI,

Plaintiff,

vs.

CENTRACARE CLINIC HOSPITAL,

Defendant.

CV 16-37-BLG-SPW

ORDER

Plaintiff Adam Blaskowski filed a Motion to Proceed in Forma Pauperis and a proposed Complaint. (Docs. 1, 2). United States Magistrate Judge Carolyn Ostby entered Findings and Recommendations on April 13, 2016, in which she recommended that this Court deny Blaskowski's motion to proceed in forma pauperis and dismiss his Complaint for improper venue. (Doc. 3).

Pursuant to 28 U.S.C. § 636(b)(1), Blaskowski had 14 days to file written objections after Judge Ostby's Findings and Recommendations were filed. On April 21, 2016, Blaskowski re-filed the Findings and Recommendations with ineligible words and what appears to be "the enforcement act" written on the back. (Doc. 4). This Court construes this filing as Blaskowski's objection and thus, he is entitled to de novo review of the Findings and Recommendations to which he

objects. After de novo review, this Court adopts Judge Ostby's Findings and Recommendations and denies his Motion to Proceed in Forma Pauperis and dismisses the Complaint.

I. Discussion

This Court construes Blaskowski's objection as arguing that Judge Ostby erred in determining that he failed to sufficiently plead proper venue. (Doc. 4). After reviewing Blaskowski's Complaint, this Court agrees with Judge Ostby that Blaskowski failed to state any basis for venue in Montana. *See* 28 U.S.C. § 1391(b). Because Blaskowski failed to properly plead venue, his case is dismissed. 28 U.S.C. § 1406(a); *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986).

II. Conclusion

The Court finds no clear error.

Accordingly, IT IS HEREBY ORDERED that:

1. Judge Ostby's Findings and Recommendations (Doc. 4) are ADOPTED IN FULL.
2. Blaskowski's Motion to Proceed in Forma Pauperis (Doc. 1) is DENIED.
3. Blaskowski's Complaint (Doc. 2) is DISMISSED without prejudice.
4. The Clerk of Court shall close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 28th day of April 2016.

Susan P. Watters
SUSAN P. WATTERS
United States District Judge