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

DANIEL GERARD LACEY,

Petitioner,

vs.

LYNN GUYER, WARDEN OF MONTANA STATE PRISON WARDEN,

Respondent.

CV 17-116-BLG-SPW

ORDER

Petitioner Daniel Lacey, appearing pro se, is a state prisoner petitioning for a writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 1).

Pending before the Court are United States Magistrate Judge Timothy Cavan's findings and recommendations. (Doc. 25). Judge Cavan recommends this Court deny Lacey's petition and direct judgment to be entered in favor of the Respondent. (Doc. 25 at 36). Lacey filed a timely objection to the findings and recommendations, entitling him to de novo review. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(b)(3).

The Court has reviewed Judge Cavan's findings and recommendations and Lacey's objections de novo and agrees with Judge Cavan in full.

Lacey also filed two objections to the Court's prior order denying a motion to stay his case. Lacey is not entitled to object to the Court's order denying his motion to stay because objections may only be raised when a magistrate issues findings and recommendations. The objections are therefore denied.

Finally, Lacey filed a motion to alter or amend the Court's order denying his motion to stay. Lacey's motion to alter or amend the Court's order is denied because he has not shown he is entitled to relief under Rule 59(e)'s criteria. *See McDowell v. Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999).

Accordingly, IT IS HEREBY ORDERED:

1. Judge Cavan's findings and recommendation (Doc. 25) are adopted in full;

2. Lacey's objections (Doc. 34) are overruled;

3. Lacey's objections (Doc. 35) are overruled;

4. Lacey's motion to alter or amend (Doc. 36) is denied;

5. Lacey's petition (Doc. 1) is denied;

6. The Clerk of Court is directed to enter judgment, by separate document, in favor of Respondent and against Petitioner; and

7. A certificate of appealability is denied.

DATED this 26th day of November, 2019.

Susan P. Watters

SUSAN P. WATTERS
United States District Judge