

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

KRISSY SANCHEZ,

Plaintiff,

vs.

CIERRA RASH, et al,

Defendants.

CV 17-156-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on September 16, 2020. (Doc. 137.) The Magistrate recommended that Sanchez's motion for leave and reply, which the Magistrate construed as a motion to amend her pleading, should be denied. (*Id.* at 7).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendations. Federal Rule of Civil Procedure 6(d) extends that period by 3 days when a party is served by mail. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). 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 the Magistrate committed clear error. On January 6, 2020, the Magistrate granted Sanchez’s motion to amend her complaint to include additional allegations against Yellowstone County. The Magistrate explained that Sanchez had until January 27, 2020 to submit her amended pleading and limited the pleading to seven pages in length. Sanchez did not file her response until February 15, 2020. The submission totalled eight hundred ninety-three pages which Sanchez described as seven pages plus attachments.

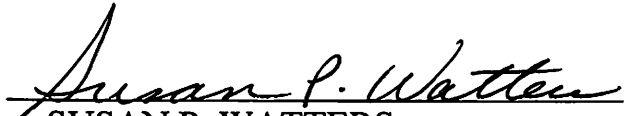
Although Sanchez’s failure to follow the requirements of the Magistrate’s order could have subjected the submission to being stricken, the Magistrate reviewed the documents for legally sufficient allegations. The Magistrate found no such claim. The allegations were either repetitive of previous claims, inappropriately asserting claims on behalf of others whom Sanchez had no authority to represent or fell short of stating a legally cognizable claim as conclusory statements.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 137) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Plaintiff Sanchez’s motion for leave and reply, construed as a motion to amend her pleading (Doc. 104), is **DENIED**. All

allegations against Yellowstone County, except Sanchez's allegation that Yellowstone County is liable for the unlawful removal of her child on September 1, 2017, are dismissed for failure to state a claim on which relief may be granted.

DATED this 9th day of October, 2020.


SUSAN P. WATTERS
United States District Judge