

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

ALVIN J. DUNCAN,

Plaintiff,

vs.

U.S. PRESIDENT ROBINETTE
BIDEN, SHERIFF MIKE LINDER,
SCOTT TWITO, State of Montana
Prosecutor,

Defendants.

CV 24-02-BLG-SPW

ORDER ADOPTING
FINDINGS AND
RECOMMENDATIONS

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations, filed March 29, 2024. (Doc. 8). Judge Cavan granted Plaintiff Alvin Duncan's motion to proceed in forma pauperis and recommended the Court dismiss the matter as frivolous under 28 U.S.C. § 1915(e)(2). (*Id.* at 5).

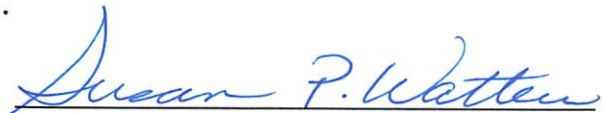
Duncan was required to file written objection within 14 days of the filing of Judge Cavan's Findings and Recommendations. 28 U.S.C. § 636(b)(1). He did not object to the Findings and Recommendations, and so waived their right to de novo review of the record. *See* 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981);

Thomas v. Arn, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *Government of Guam v. Guerrero*, 11 F.4th 1052, 1059 (9th Cir. 2021) (quoting *C.I.R. v. Duberstein*, 363 U.S. 278, 291 (1960)). After reviewing the Findings and Recommendations, this Court does not find that Judge Cavan committed clear error.

Accordingly, IT IS HEREBY ORDERED that Judge Cavan’s Findings and Recommendations (Doc. 8) are ADOPTED IN FULL. IT IS FURTHER ORDERED that this matter is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2).

The Clerk is directed to close this case and notify the parties.

DATED this 15th day of April, 2024.


SUSAN P. WATTERS
United States District Judge