

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

ERIC BROSTEN,

Plaintiff,

vs.

DEMOCRAT NATIONAL
COMMITTEE, CBS; KCCI, THE DES
MOINES REGISTER, ABC; WMUR,
NBC, CONGRESSIONAL BLACK
CAUCUS INSTITUTE, UNIVISION,
THE WASHINGTON POST, and
WISCONSIN PBS.

Defendants.

CV 15-99-BU-BMM

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS**

Plaintiff Eric Brosten filed a pleading in this action, together with his application for leave to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1). Brosten is proceeding *pro se*. Brosten titled his pleading “Fraudulent deceit[.]” (Doc. 2 at 1.) Brosten purports to prosecute his claims as a class action on behalf of all Americans, and he requests that the Court take action on issues that affect “national security and the very future of our country.” *Id.* Brosten requests that the Court require Defendants to allow him to participate in presidential debates. (Doc. 2 at 2.)

United States Magistrate Judge Jeremiah Lynch entered Findings and Recommendations in this matter on November 23, 2015. (Doc. 3.) Judge Lynch recommended that the Court dismiss the pleading as frivolous as it “lacks any basis in fact or in law.” (Doc. 3 at 7.) The Court determined that the pleading cannot be cured by amendment. (Doc. 3 at 6.) Judge Lynch also recommended that the Court deny as moot Brosten’s motions that request (1) that the Court “mitigate the damage to our economy,” (2) provide protection from the United States Secret Service, and (3) require service by certified mail. Brosten filed no objections to Judge Lynch’s Findings and Recommendations. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Lynch’s Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Court possesses authority to deny leave to proceed in forma pauperis at the outset if it appears from the face of the pleading that the action proves frivolous or without merit. *Minette v. Port of Seattle*, 152 F.3d 1113, 1115 (9th Cir. 1998). A pleading is frivolous when it presents no “arguable basis in law or fact.” *Franklin v. Murphy*, 745 F.2d 1221, 1255 (9th Cir. 1984). Brosten has presented no arguable basis in law or fact. The Court may dismiss a pro se complaint without leave to

amend when “it is absolutely clear that the deficiencies of the complaint could not be cured by amendment.” *Weilburg v. Shapiro*, 488 F.3d 1202, 1205 (9th Cir. 2007). No basis exists for the Court to award Brosten the relief that he seeks. The Court finds no error in Judge Lynch’s Findings and Recommendations, and adopts them in full.

Accordingly, **IT IS SO ORDERED** that Brosten’s request to proceed in forma pauperis (Doc. 1) under 28 U.S.C. § 1915(a)(1) is **DENIED** and this action shall be **DISMISSED**.

IT IS FURTHER ORDERED that Brosten’s motions requesting (1) that the Court mitigate the damage to our economy (Doc. 3), (2) protection from the United States Secret Service (Doc. 4), and (3) service by certified mail (Doc. 5) are all **DENIED** as moot.

DATED this 14th Day of December, 2015.



Brian Morris
United States District Court Judge