

FILED

NOV 08 2019

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

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

LANICA LATRICE RAY,

Plaintiff,

vs.

TED HESS-HOMEIER; DONOVAN
RUSSEL,

Defendants.

CV 19-104-M-DLC-KLD

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered her Order and Findings and Recommendation on October 4, 2019, granting Plaintiff Lanica Latrice Ray's motion to proceed in forma pauperis and recommending that the Court: (1) dismiss Ray's complaint for failure to state claim upon which relief may be granted; and (2) certify that no appeal from this disposition could be taken in good faith. (Doc. 19.) Ray failed to timely object to the Findings and Recommendation, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court reviews for clear error those findings and recommendations to which no party objects. *See Thomas v. Arn*, 474 U.S. 140, 149-53 (1985). Clear error exists if the Court is left with a "definite and firm

conviction that a mistake has been made.” *Wash. Mut., Inc. v. United States*, 856 F.3d 711, 721 (9th Cir. 2017) (citation omitted).

Judge De Soto found that Ray had not alleged a viable cause of action under federal antidiscrimination law when she alleged that she was evicted following a civil state court proceeding. Although it is sympathetic to Ray’s struggle to find and maintain affordable housing, the Court agrees that Ray cannot bring a federal civil suit to challenge the state court’s adjudication of matters arising under state law. The Court also agrees that the allegation of additional facts cannot remedy the problem identified.

Accordingly, IT IS ORDERED:

(1) Judge DeSoto’s Findings and Recommendation (Doc. 7) is ADOPTED in full;

(2) The complaint is DISMISSED for failure to state a claim upon which relief may be granted;

(3) The Clerk of Court shall enter, by separate document, a judgment of dismissal; and

(4) the Court certifies, pursuant to Federal Rule of Appellate Procedure 24(a)(4)(B), that any appeal from this dismissal would not be taken in good faith.

DATED this 8th day of November, 2019.



Dana L. Christensen, Chief Judge
United States District Court