IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

GREGORY L. WALLACE,	)	**CV-08-011-BLG-RFC**
	)	
Petitioner,	)	
	)	
vs.	)	
	)	**ORDER ADOPTING FINDINGS**
	)	**AND RECOMMENDATIONS OF**
ATTORNEY GENERAL OF THE STATE OF MONTANA,	)	**U.S. MAGISTRATE JUDGE**
	)	
Respondant.	)	
	)	

On September 15 2008, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation (*Doc. 9*) with respect to Wallace's § 2254 petition for writ of habeas corpus (*Doc. 1*). Magistrate Judge Ostby recommends this Court dismiss the petition for failure to state a claim upon which relief may be granted. Magistrate Judge Ostby further recommends that a Certificate of Appealability be denied because no reasonable jurist would find a coherent basis for relief in Wallace's petition. This Court concurs.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the September 15, 2008 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its

burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After a review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** Plaintiff's Complaint (*Doc. 2*) is **DISMISSED**. Pursuant to Fed.R.App.P. 24(a)(4)(B), it is **CERTIFIED** that any appeal taken by Plaintiff from this disposition would not be taken in good faith.

The Clerk of Court shall notify the parties of the entry of this Order.

DATED the 22nd day of October, 2008.

RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE