

FILED
BILLINGS DIV.

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

2010 JAN 14 PM 2 04

NELVETTE SIEMION, d/b/a)
WHITE BUFFALO RANCH,)
))
Plaintiffs,)
))
vs.)
))
UNITED STATES DEPT. OF THE)
INTERIOR, BUREAU OF INDIAN)
AFFAIRS, ROCKY MOUNTAIN)
REGION)
))
Defendants.)
_____)

CV-09-87-BLG-RFC-CSO
))
BY _____)
DEPUTY CLERK)

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE**

United States Magistrate Judge Carolyn S. Ostby has recommended that this case be dismissed without prejudice for failure to prosecute. *Doc. 15*. On October 20, 2009 Plaintiffs counsel was allowed to withdraw and Plaintiffs was notified that she needed to find new counsel or elect to proceed *pro se* by November 20, 2009. *Doc. 13*. When she did not respond, Magistrate Judge Ostby issued an order notifying Plaintiff that her case would be dismissed for failure to prosecute if she did not respond by December 19, 2009. *Doc. 14*. Again, there was no response, resulting in the December 23, 2009 recommendation that the case be dismissed for failure to prosecute.

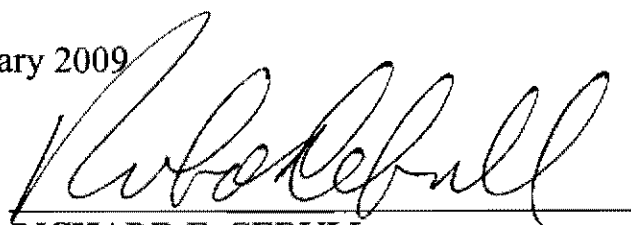
Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the July 25, 2007 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives 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 an extensive 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** that this matter is **DISMISSED WITHOUT PREJUDICE** for Plaintiff's failures to comply with Court orders and to prosecute.

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

DATED the 14th day of January 2009


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE