

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

FILED
BILLINGS DIV.
2010 MAY 6 PM 1 06
PATRICK E. DUFFY, CLERK
BY _____
DEPUTY CLERK

ANDREW TYLER,)	CV-10-5-BLG-RFC-CSO
)	
Petitioner,)	
)	
vs.)	
)	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS OF U.S. MAGISTRATE JUDGE
MIKE MAHONEY; STATE OF MONTANA)	
)	
Defendants.)	
_____)	

United States Magistrate Judge Carolyn S. Ostby has recommended the denial of Tyler’s motion to proceed in forma pauperis and the dismissal of his assorted pleadings. *Doc. 12*. Magistrate Judge Ostby further recommends that a certificate of appealability be denied.

Upon service of a magistrate judge’s findings and recommendation, a party has 14 days to file written objections. 28 U.S.C. § 636(b)(1). No timely objections were filed in this matter. 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), but this Court must still review de

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

After reviewing the record and the applicable law, the only conclusion is that Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact. **IT IS HEREBY ORDERED** that they be adopted in their entirety:

- (1) Tyler's motion to proceed in forma pauperis (*Doc. 11*) is **DENIED**;
- (2) Tyler's pleadings (*Docs. 1, 6, 10*) are **DISMISSED**; and
- (3) this Court certifies, pursuant to Fed. R. App. P. 24(a)(4)(B), that any appeal of this Order would be taken in bad faith

The Clerk of Court shall enter, by separate document, a judgment of dismissal.

DATED the 6th day of May 2010.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE