

IN THE UNITED STATES DISTRICT COURT

FILED
BILLINGS DIV.

FOR THE DISTRICT OF MONTANA 2010 MAR 26 AM 9 48

BILLINGS DIVISION

PATRICK E. DUFFY, CLERK

BY _____

DEPUTY CLERK

**KAREMLITA PLAINS BULL)
MARTIN,)**

CV-10-17-BLG-RFC-CSO

Plaintiff,)

vs.)

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

**CROW NATION EXECUTIVE)
BRANCH OFFICERS, et al.,)**

Defendants.)

_____)

On March 8, 2010, United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation with respect to the 28 U.S.C. § 1915 prescreening of Plaintiff’s pro se complaint (*Doc. 2*). Magistrate Judge Ostby recommends this Court dismiss Plaintiff’s complaints for failure to state a claim upon which relief may be granted. Magistrate Judge Ostby further recommends this Court certify pursuant to Rule 24(a)(3)(A) Fed.R.App.P. that any appeal is frivolous and would therefore be made in bad faith.

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). In this matter, no

objections were filed within 14 days. 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 reviewing the record and the 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 Plains Bull Martin's Motion to Proceed in forma pauperis is **DENIED** and this matter **DISMISSED** for failure to state a federal claim.

IT IS FURTHER ORDERED that the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) Fed.R.Civ.P. that any appeal of this decision would not be taken in good faith.

The Clerk of Court shall close this matter and enter judgment pursuant to Rule 58 Fed.R.Civ.P.

DATED the 26th day of March 2010.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE