

IN THE UNITED STATES DISTRICT COURT

FILED
BILLINGS DIV.

FOR THE DISTRICT OF MONTANA

2011 APR 22 AM 10 53

BILLINGS DIVISION

PATRICK E. [unclear]
BY _____
DEPUTY CLERK

BENJAMIN McCHESNEY,)
)
 Plaintiff,)
)
 vs.)
)
 MARK ERREBO,)
)
 Defendants.)
 _____)

CV-11-14-BLG-RFC

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

On March 21, 2011, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendation. Magistrate Judge Ostby recommends this matter be remanded to Yellowstone County District Court.

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 party filed objections to the March 21, 2011 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 **REMANDED** to the Yellowstone County District Court. The Clerk of Court is directed to send a certified copy of the Order of Remand to the Clerk of Court for Yellowstone County, Montana.

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

DATED the 22nd day of April, 2011.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE