

FILED

OCT 05 2012

Clerk, U S District Court
District Of Montana
Billings

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

BILLINGS DIVISION

ELEAZAR SANCHEZ HERRERA,

Plaintiff,

vs.

**SIX UNKNOWN NAMES AGENTS
or MR. PRESIDENT OF THE
UNITED STATE BARACK
OBAMA,**

Defendants.

Case No. CV-12-118-BLG-RFC

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

On September 11, 2012, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendation.

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 September 11, 2012 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).

It appears that Yil Jo drafted this Complaint and it is unclear whether Sanchez Herrera has even seen it. In light of this, and because there is no signature on the Complaint, the Complaint must be stricken and this matter closed.

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 the Complaint is **STRICKEN** and the Clerk of Court is directed to close the case and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

The Clerk of Court is also directed to send a copy of this Order to Sanchez Herrera at Cibola County Correctional Institution. If Sanchez Herrera himself wishes to file a civil suit, he may do so by submitting a signed complaint and either paying the filing fee or submitting a request for permission to proceed *in forma pauperis* that complies with the requirements of 28 U.S.C. § 1915.

DATED the 5 day of October, 2012.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE