

FILED

SEP 16 2013

Clerk, U.S. District Court
District Of Montana
Helena

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

TWAIN NEWMAN AYERS,

Petitioner,

vs.

MARTIN FRINK, Warden;
ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Respondents.

CV 13-103-BLG-SEH

ORDER

United States Magistrate Judge Carolyn Ostby entered her Findings and Recommendation¹ on August 7, 2013. Petitioner filed objections on August 28, 2013.² The Court reviews *de novo* findings and recommendations to which objection is made. 28 U.S.C. § 636(b)(1).

¹ Document No. 3.


² Document No. 4.

Upon *de novo* review of the record, I find no error in Magistrate Judge Ostby's Findings and Recommendation and adopt it in full.

ORDERED:

1. The Petition is DENIED for lack of merit.
2. A certificate of appealability is DENIED.
3. The Clerk of Court is directed to enter, by separate document, a judgment in favor of Respondents and against Petitioner.

DATED this 16th day of September, 2013.



SAM E. HADDON
United States District Judge