

FILED

FEB 21 2014

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

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

JEFFREY HARDMAN,

Petitioner,

vs.

MARTIN FRINK; ATTORNEY
GENERAL OF THE STATE OF
MONTANA; SUPREME COURT OF
THE STATE OF MONTANA,

Respondents.

No. CV 13-141-BLG-SEH

ORDER

On February 3, 2014, United States Magistrate Carolyn S. Ostby entered her Findings and Recommendation¹ in this matter. Petitioner did not file objections. No review is required of proposed findings and recommendations to which no objection is made. Thomas v. Arn, 474 U.S. 140, 149-152 (1986). However, this Court will review Judge Strong's Findings and Recommendation for clear error.

¹ Doc. 5.

Upon review, I find no clear error in Judge Ostby's Findings and Recommendation and adopt them in full.

ORDERED:

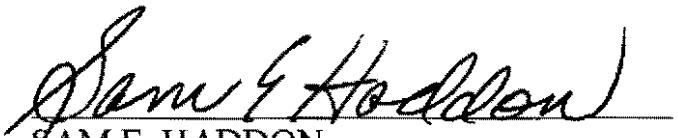
1. Petitioner's Application to Proceed in Forma Pauperis² is DENIED AS MOOT.

2. Petitioner's petition for writ of habeas corpus³ is DISMISSED WITHOUT PREJUDICE for failing to exhaust all state remedies.

2. The Clerk of Court is directed to enter a judgment of dismissal.

3. A certificate of appealability is DENIED. Any appeal would be taken in bad faith as all state remedies have not been exhausted.

DATED this 21st day of February, 2014.


SAM E. HADDON
United States District Judge

² Doc. 2.

³ Doc. 1.