

**FILED**

OCT 21 2014

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

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

ROWLAND MEDICINE HORSE,

Petitioner,

vs.

LEROY KIRKGARD; ATTORNEY  
GENERAL OF THE STATE OF  
MONTANA,

Respondents.

CV 13-155-BLG-SEH-CSO

**ORDER**

On September 8, 2014, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendations<sup>1</sup> on Petitioner Medicine Horse's Writ of Habeas Corpus under 28 U.S.C. §2254.<sup>2</sup> Petitioner filed objections on October 17, 2014.<sup>3</sup> The Court reviews *de novo* findings and recommendations to which

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<sup>1</sup> (Doc. 13.)

<sup>2</sup> (Doc. 1.)

<sup>3</sup> (Doc. 18.)

objections are made. 28 U.S.C. § 636(b)(1).

Upon *de novo* review of the record, I find no error in Judge Ostby's Findings and Recommendations and adopt them in full. Medicine Horse's petition is both time-barred and procedurally-barred.


ORDERED:

1. The Petition for Writ of Habeas Corpus is DENIED and DISMISSED with prejudice; and

2. The Clerk of Court is directed to enter by separate document a judgment in favor of Respondents and against Petitioner; and

3. The Certificate of Appealability is DENIED. Petitioner has not overcome the requirements that reasonable jurists would find that Medicine Horse is actually innocent of felony DUI or made a substantial showing that counsel was ineffective.

DATED this 21<sup>st</sup> day of October, 2014.

  
S A M E. H A D D O N  
United States District Judge