

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

**FILED**

SEP 04 2014

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

KURT HAEKER,

Plaintiff,

vs.

UNITED STATES GOVERNMENT,

Defendant.

CV 14-20-BLG-SPW

ORDER

Plaintiff Kurt Haeker brought this action seeking to partition his undivided fee interest in land within the Crow Indian Reservation. (Doc. 19). The United States, which holds legal title to the remaining undivided legal interest in trust for the benefit of several Indian allottees, moved to dismiss Haeker's Second Amended Complaint. (Doc. 20). United States Magistrate Judge Carolyn Ostby entered Findings and Recommendations in this matter on August 14, 2014, in which she recommended that the Second Amended Complaint be dismissed for lack of jurisdiction.

Pursuant to 28 U.S.C. § 636(b)(1), written objections to Judge Ostby's Findings and Recommendations were due 14 days after their filing. No objections were filed. When neither party objects, this Court must still review Judge Ostby's conclusions for clear error. Clear error exists if the Court is left with a "definite

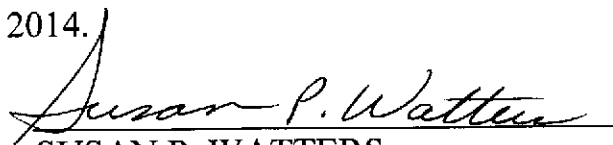
and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir.2000). This motion presented a novel issue with a scant amount of relevant case law. Despite this, Judge Ostby’s conclusion is well-reasoned and supported by the legal authorities cited therein. After reviewing the Findings and Recommendations, this Court does not find that Judge Ostby committed clear error.

Accordingly, IT IS HEREBY ORDERED:

1. Judge Ostby’s Findings and Recommendations (Doc. 24) are ADOPTED IN FULL.

2. The United States’ Motion to Dismiss (Doc. 20) is GRANTED. Haeker’s Second Amended Complaint is dismissed with prejudice.

DATED this 4<sup>th</sup> day of September, 2014.

  
SUSAN P. WATTERS  
United States District Judge