

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

FILED
JUN 10 2014
Clerk, U.S. District Court
District Of Montana
Billings

TYLER L. HARDY,

Petitioner,

vs.

ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Respondent.

CV 14-52-BLG-SPW

ORDER

Petitioner Tyler Hardy brings this action pursuant to 28 U.S.C. § 2254. In his Petition, Hardy alleges that he has been illegally held in state custody beyond the date he should have been discharged. (Doc. 3-1). United States Magistrate Judge Carolyn Ostby entered Findings and Recommendations in this matter on May 19, 2014, in which she recommended that Hardy's Petition be denied on the merits. (Doc. 7). Specifically, Judge Ostby determined that Hardy needs to raise his issue in state court before he can petition a federal court.


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). 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. 7) are ADOPTED IN FULL.
2. Hardy's Petition (Docs. 1 and 3) is DISMISSED.
3. The Clerk of Court shall enter, by separate document, a judgment of dismissal.
4. A certificate of appealability is DENIED.

DATED this 9th day of June, 2014.


SUSAN P. WATTERS
United States District Judge