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

FILED

SEP 2 4 2015

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

CASEY BENDURE,

Plaintiff,

vs.

STAR TARGETS, JUSTIN HARDY, TLD INDUSTRIES LLC, CABELA'S WHOLESALE, INC., ROLLING THUNDER PYROTECHNIC, CORP. and MACRAFT USA, LLC,

Defendants.

TLD INDUSTRIES LLC,

Third-Party Plaintiff,

Vs.

ROLLING THUNDER PYROTECHNIC, CORP. and MACRAFT USA,

Third-Party Defendants.

CV 14-89-BLG-SPW

OPINION and **ORDER**

Plaintiff Casey Bendure brought this negligence action against Defendants Star Targets, Justin Hardy, TLD Industries, LLC, Cabela's Wholesale, Inc., Rolling Thunder Pyrotechnic, Corp., and Macraft USA, LLC. (Doc. 4). After reviewing TLD's motion for default judgment against Rolling Thunder and Macraft, (doc. 57), United States Magistrate Judge Carolyn Ostby issued Findings and Recommendations on September 3, 2015. Judge Ostby concluded that TLD's motion should be denied, with leave to renew.

Pursuant to 28 U.S.C. § 636(b)(1), TLD had 14 days to file written objections after Judge Ostby's Findings and Recommendations were filed. No objections were filed. When neither party objects, this Court still reviews 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. 67) are ADOPTED IN FULL.

2. TLD's Motion for Default Judgment (Doc. 57) is DENIED with leave to renew.

DATED this $\frac{37}{2}$ day of September 2015.

Jusan P. Watter

SUSAN P. WATTERS United States District Judge