

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

FILED
MAY 11 2015
Clerk, U.S. District Court
District Of Montana
Billings

JACOB ALLEN WING,

Plaintiff,

vs.

STATE OF MONTANA and
MONTANA ATTORNEY GENERAL,

Defendants.

CV 15-18-BLG-SPW

ORDER

Plaintiff Jacob Wing is a state prisoner proceeding pro se. He filed this action on March 18, 2015 and brings several constitutional challenges to his state conviction. United States Magistrate Judge Carolyn Ostby issued Findings and Recommendations on April 17, 2015, in which she concluded that Wing's allegations are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). Judge Ostby therefore recommends that this Court dismiss Wing's Complaint.

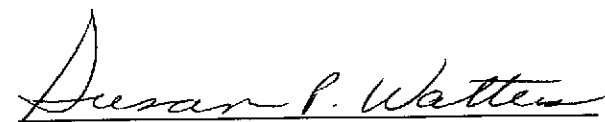
Pursuant to 28 U.S.C. § 636(b)(1), Wing had 14 days to file written objections after Judge Ostby's Findings and Recommendations were filed. No objections were filed. When neither party objects, this Court must still review Judge Ostby's conclusions for clear error. Clear error exists if the Court is 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. 4) are ADOPTED IN FULL.
2. Wing's Complaint (Doc. 2) is DISMISSED.
3. The Clerk of Court shall close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.
4. The Clerk of Court shall have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. The record makes plain the instant Complaint lacks arguable substance in law or fact.

DATED this 11th day of May, 2015.


SUSAN P. WATTERS
United States District Judge