

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

**FILED**  
AUG 28 2015  
Clerk, U.S. District Court  
District Of Montana  
Billings

GREGORY L. WALLACE,

Plaintiff,

vs.

DAVID DUKE, et al,

Defendants.

CV 15-43-BLG-SPW

ORDER

Plaintiff Gregory L. Wallace is a state prisoner proceeding pro se. He filed this action on May 28, 2015. (Doc. 1). United States Magistrate Judge Carolyn Ostby issued Findings and Recommendations on August 6, 2015, in which she concluded that Wallace has failed to show cause why his motion to proceed in forma pauperis should not be denied. (Doc. 6 at 2). Further, Wallace has failed to pay the filing fee for his action. (*Id.*) Judge Ostby therefore recommends that this Court dismiss Wallace's Complaint.

Pursuant to 28 U.S.C. § 636(b)(1), Wallace 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. 6) are ADOPTED IN FULL.

2. Wallace's Motion to Proceed in Forma Pauperis (Doc. 3) is DENIED and his Complaint (Doc. 1) is DISMISSED WITHOUT PREJUDICE.

DATED this 27<sup>th</sup> day of August, 2015.

  
SUSAN P. WATTERS  
United States District Judge