

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

**FILED**  
JUL 18 2016  
Clerk, U.S. District Court  
District Of Montana  
Billings

RICHARD ROEDOCKER,  
  
Plaintiff,

CV 16-29-BLG-SPW-CSO

vs.

ORDER

FARSTAD OIL, INC.,  
  
Defendant.

Before the Court are United States Magistrate Judge Carolyn Ostby's Findings and Recommendations filed on June 21, 2016. In the Findings and Recommendations, Judge Ostby recommends that this Court grant Defendant Farstad Oil's motion to dismiss to the extent it seeks the dismissal of Plaintiff Richard Roedocker's claim under Mont. Code Ann. § 39-2-904(1)(c), but deny the motion in all other respects.

Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Ostby's Findings and Recommendations. No objections were filed. When neither party objects, this Court 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. 11) are ADOPTED IN FULL.

2. Farstad Oil's Motion to Dismiss, or, Alternatively, to Transfer Venue (Doc. 3) is GRANTED as to Roedocker's claim under Mont. Code Ann. § 39-2-904(1)(c), but DENIED in all other respects.

DATED this 18<sup>th</sup> day of July, 2016.

  
SUSAN P. WATTERS  
United States District Judge