

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

JORAN COOLEY,

Plaintiff,

vs.

MOYRA ANTHONY, et al.,

Defendants.

CV 17-165-BLG-SPW

**ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND
RECOMMENDATIONS**

The United States Magistrate Judge filed Findings and Recommendations on April, 29, 2020. (Doc. 28.) The Magistrate recommended dismissing the case for Plaintiff's failure to prosecute. (*Id.* at 4.)

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. Federal Rule of Civil Procedure 6(d) extends that period by 3 days when a party is served by mail. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). 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 the Magistrate committed clear error. Plaintiff has failed to prosecute his case, and dismissal is appropriate. *See* Fed. R. Civ. P. 41(b); *Dreith v. Nu Image, Inc.*, 648 F.3d 779, 788 (9th Cir. 2011); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). Accordingly,

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 28) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED:

1. This action is **DISMISSED** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.
2. The clerk shall enter a judgment of dismissal.
3. Pursuant to Federal Rule of Appellate Procedure 24(a)(4)B), the Court **CERTIFIES** that any appeal from this disposition would not be taken in good faith.

DATED this 1st day of June, 2020.



SUSAN P. WATTERS
United States District Judge