

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

FILED

NOV 26 2018

Clerk, U S District Court  
District Of Montana  
Billings

MARCIA MARSHALL,

Plaintiff,

vs.

SAFECO INSURANCE COMPANY  
OF ILLINOIS, and MID-CENTURY  
INSURANCE COMPANY,

Defendants.

CV 18-75-BLG-SPW

ORDER

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations, filed on November 6, 2018. (Doc. 34). In his Findings and Recommendations, Judge Cavan recommends that this Court grant Plaintiff's Motion to Remand. (Doc. 25).

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 Cavan's Findings and Recommendations. No objections were filed. When neither party objects, this Court reviews Judge Cavan'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 Judge Cavan committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by United States Magistrate Judge Cavan (Doc. 34) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Plaintiff's Motion to Remand (Doc. 25) is GRANTED.

IT IS HEREBY ORDERED that this matter be remanded to Montana's Sixth Judicial District Court, Park County, under Cause No. DV 13-00169.

DATED this 26<sup>th</sup> day of November, 2018.



SUSAN P. WATTERS  
United States District Judge