

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

FILED

JUL 23 2019

Clerk, U S District Court
District Of Montana
Billings

KRISSY SANCHEZ,

Plaintiff,

vs.

FRIEDEL LLC, et al.,

Defendants.

Cause No. CV 18-91-BLG-SPW-TJC

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on July 1, 2019. (Doc. 20.) The Magistrate recommended the Court dismiss the Defendants' motion to dismiss for lack of subject-matter jurisdiction. (Doc. 20 at 2.)

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. Neither party filed objections. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation 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 Recommendation, this Court does not find that the Magistrate committed clear error.

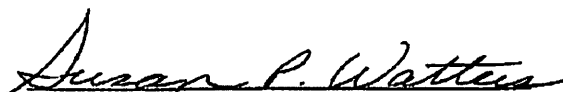
On July 8, 2019, Sanchez filed a motion to extend time to respond to Defendants' motions. (Doc. 21.) She filed the motion in each of her three outstanding cases. (Doc. 21 at 1.) On July 16, 2019, the Magistrate Judge issued an order reserving a decision on Sanchez's motion as it pertained to this case and stating this Court would address her motion.

It appears to the Court as though Sanchez did not intend her motion to extend time to apply to objections to the findings and recommendation. Instead, based on the contents of her motion, she likely intended it to apply to her other two cases where an extension was relevant. Sanchez did not ask for additional time to file objections to the findings and recommendation. Sanchez's motion made no mention of the Magistrate's findings and recommendation to deny Defendants' motion to dismiss. (Doc. 21.) In addition, the Magistrate recommended the Court resolve Defendants' motion to dismiss in Sanchez's favor, so it is highly unlikely Sanchez intended to object. The Court concludes Sanchez's motion for an extension of time does not apply to filing objections to the Magistrate's findings and recommendation in the instant case. Therefore,

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 20) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss for Lack of Jurisdiction (Doc. 17) is DENIED.

DATED this 22nd day of July, 2018.

A handwritten signature in black ink, reading "Susan P. Watters". The signature is written in a cursive style with a prominent initial 'S'.

SUSAN P. WATTERS
United States District Judge