

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

THE CITY OF MILES CITY, a
political subdivision of the State of
Montana,

Plaintiff,

vs.

ECKART TRUCKING, INC.,

Defendant.

CV 21-68-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on December 14, 2021. (Doc. 18). The Magistrate recommended that the case be remanded back to the Montana Sixteenth Judicial District Court, Custer County, and that Miles City's Motion for Attorney's Fees and Costs be denied. (Doc. 18 at 9).

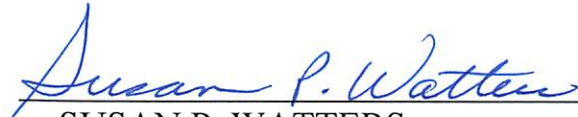
Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell 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.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 18) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Plaintiff’s Motion for Remand (Doc. 6) is GRANTED in part and DENIED in part. The case is remanded to the Montana Sixteenth Judicial District Court, Custer County. Plaintiff’s motion for Attorney’s Fees and Costs is DENIED.

DATED this 3rd day of January, 2022.



SUSAN P. WATTERS
United States District Judge