

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

T.G. and E.G., *minors and their parent,*
Tracy Masters, and TRACY
MASTERS,

Plaintiffs,

vs.

BOARD OF TRUSTEES; BILLINGS
ELEMENTARY SCHOOL DISTRICT
NO. 2; BILLINGS HIGH SCHOOL
DISTRICT NO. 2; GREG UPHAM, *in*
his individual capacity as
Superintendent of the Billings Public
School District; and JANNA HAFER,
RUSSELL HALL, JENNIFER
HOFFMAN, MIKE LEO, SCOTT
MCCULLOCH, GRETA BESCH
MOEN, ZACK TERAKEDIS, BRIAN
YATES, CRAIG VAN NICE, and
TANYA LUDWIG, *all in their*
individual capacities and in their
capacities as members of the Billings
Public School District Board of
Education,

Defendants.

CV 21-111-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on Plaintiffs' failure to respond to the Court's show cause order on July 6, 2022.

(Doc. 12). The Magistrate recommended that the action be dismissed pursuant to

Fed. R. Civ. P. 41(b) for failure to prosecute and failure to comply with the Court's show cause order. (Doc. 12 at 6).

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. 12) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that the action is DISMISSED, and correspondingly Defendants' Motions to Dismiss (Docs. 6 and 9) are DENIED AS MOOT. The Clerk of Court shall close the matter and enter judgment in favor of Defendants pursuant to Fed. R. Civ. P. 58.

DATED this 25th day of July, 2022.

Susan P. Watters

SUSAN P. WATTERS
United States District Judge