

**FILED**

**AUG 07 2014**

Clerk, U.S. District Court  
District Of Montana  
Missoula

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

MARTIN PAUL LONG,

Petitioner,

vs.

LEROY KIRKEGARD; and the  
ATTORNEY GENERAL OF THE  
STATE OF MONTANA,

Respondents.

CV 13-70-BU-DWM-JCL

ORDER

This action was filed in the United States District Court for the District of Montana, Butte Division on September 25, 2013. Petitioner Martin Paul Long seeks a writ of *habeas corpus* under 28 U.S.C. § 2254. Because Long is a prisoner, upon filing, this matter was referred to United States Magistrate Judge Jeremiah C. Lynch. *See* L.R. 72.2(a). Judge Lynch issued proposed Findings and Recommendations regarding Long's Petition on July 22, 2014. (Doc. 11.) On August 5, 2014, Long timely filed an Objection to the proposed Findings and Recommendations. (Doc. 12.)

Long's Objection does not specifically contest any portion of Judge Lynch's Proposed Findings and Recommendations. (*See id.*) In part, Long's Objection

states “*de novo* is in order at this time . . . .” (*Id.* at 1.) The Court therefore construes Long’s Objection as a request for *de novo* review of the proposed Findings and Recommendations. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (“A document filed *pro se* is ‘to be liberally construed[.]’” (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976).)) Judge Lynch’s proposed Findings and Recommendations are therefore reviewed *de novo* in their entirety. *See* 28 U.S.C. § 636(b) (“A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”)

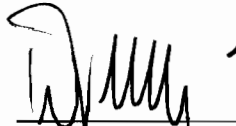
After *de novo* review of Judge Lynch’s report, the Court finds it contains no mistake of fact or law. The Magistrate Judge’s Findings and Recommendations are well-reasoned legally sound. They will be adopted in-full.

Based on the foregoing, IT IS ORDERED:

- (1) Judge Lynch’s Findings and Recommendations, (Doc. 11), are ADOPTED IN-FULL.
- (2) Martin Paul Long’s Petition for Writ of *Habeas Corpus*, (Doc. 1), is DISMISSED WITH PREJUDICE.
- (3) A Certificate of Appealability is DENIED. The Clerk of Court shall immediately process any appeal filed by Petitioner Long.

- (4) The Clerk of Court shall enter by separate document a judgment of dismissal with prejudice, pursuant to Federal Rule of Civil Procedure 58, and close this case.

DATED this 7<sup>th</sup> day of August, 2014.



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Donald W. Molloy, District Judge  
United States District Court

