

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

FILED

NOV 25 2014

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

THOMAS R. ESTES

Plaintiff,

vs.

JAMES CLAPPER; WASHINGTON
STATE DEPARTMENT OF HEALTH &
HUMAN SERVICES; NATIONAL
CRIME INFORMATION CENTER, CJIS
DIVISION; CITY OF OLYMPIA
POLICE DEPARTMENT; and
TUMWATER CITY HALL,

Defendants.

CV 14-69-BU-DWM-JCL

ORDER

Pending is Plaintiff Thomas R. Estes' Complaint. (Doc. 2.) Estes was directed to file an amended complaint on the grounds that his initial complaint is frivolous in that his allegations present irrational and illogical claims which fail to provide any comprehensible factual basis. Estes was given until November 21, 2014 to file his amended complaint, and as of the date of this order, no amended complaint has been filed. Magistrate Judge Jeremiah Lynch recommends Estes' Complaint be dismissed without prejudice. (Doc. 5.)

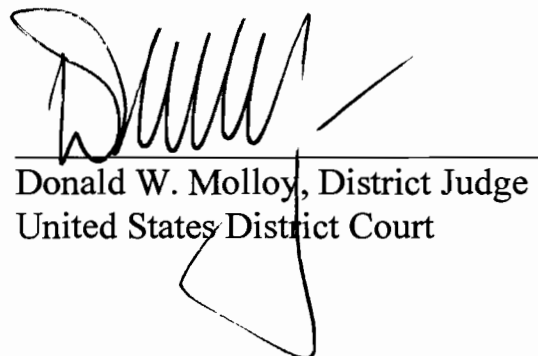
Estes has not filed objections to Judge Lynch's Findings and

Recommendation. The Court reviews the findings and recommendations that are not specifically objected to 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). The Court finds no clear error with Judge Lynch’s determination that the Court may dismiss this matter without prejudice because Estes has not filed an amended complaint and his original complaint is frivolous and subject to dismissal under 28 U.S.C. § 1915(e)(2).

Accordingly, IT IS ORDERED that the Findings and Recommendation (Doc. 5) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Estes’ Complaint (Doc. 2) is DISMISSED WITHOUT PREJUDICE.

Dated this 25th day of November, 2014.



Donald W. Molloy, District Judge
United States District Court