

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

ERIC BROSTEN,

Plaintiff,

vs.

PAUL RYAN; U.S. Rep. WISCONSIN
JOHN BOEHNER; U.S. Rep. OHIO
JOHN BOEHNER; HILLARY
CLINTON; STEVE DAINES; and
RYAN ZINKE,

Defendants.

CV 15-69-BU-BMM

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS**

Plaintiff Eric Brosten filed a pleading in this action, together with his application for leave to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1). Brosten is proceeding *pro se*. Brosten requests that the Court intervene “to set this nation on a more secure future.” (Doc. 2 at 1.) Brosten purports to advance claims under 42 U.S.C. § 1985. Brosten also cites to the statutory definition of the criminal offense of treason at 18 U.S.C. § 2381.

Brosten alleges political terrorism and requests that the Court issue an order “to the Secret Terrorist phone tapping court,” and require that one of the political terrorist be put on the phone tapping list. (Doc. 2 at 3.) Brosten also requests

protection from the Secret Service. Brosten further requests that the Court issue an order seizing social security funds for his medical benefits. Brosten also expresses concerns about government spending, the United States presidential election, and the alleged misguided focus of military power.

United States Magistrate Judge Jeremiah Lynch entered Findings and Recommendations in this matter on November 16, 2015. (Doc. 3.) Judge Lynch recommended that the Court dismiss the pleading as frivolous as it “lacks any basis in fact or in law.” (Doc. 3 at 9.) The Court determined that the pleading cannot be cured by amendment. *Id.* Brosten filed no objections to Judge Lynch’s Findings and Recommendations. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Lynch’s Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Court possesses authority to deny leave to proceed in forma pauperis at the outset if it appears from the face of the pleading that the action proves frivolous or without merit. *Minette v. Port of Seattle*, 152 F.3d 1113, 1115 (9th Cir. 1998). A pleading is frivolous when it presents no “arguable basis in law or fact.” *Franklin v. Murphy*, 745 F.2d 1221, 1255 (9th Cir. 1984). Brosten has presented no arguable basis in law or fact. The Court may dismiss a pro se complaint without leave to

amend when “it is absolutely clear that the deficiencies of the complaint could not be cured by amendment.” *Weilburg v. Shapiro*, 488 F.3d 1202, 1205 (9th Cir. 2007). No basis exists for the Court to award Brosten the relief that he seeks. The Court finds no error in Judge Lynch’s Findings and Recommendations, and adopts them in full.

Accordingly, **IT IS SO ORDERED** that Brosten’s request to proceed in forma pauperis (Doc. 1) under 28 U.S.C. § 1915(a)(1) be **DENIED** this action shall be **DISMISSED**.

DATED this 7th Day of December, 2015.



Brian Morris
United States District Court Judge