

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

FILED
MAR 01 2018
Clerk, U.S. Courts
District Of Montana
Missoula Division

SEAN M. KELLEDY,

Petitioner,

vs.

ED LESTER, ATTORNEY GENERAL
OF THE STATE OF MONTANA,

Respondents.

CV 17-87-BU-DLC-JCL

ORDER

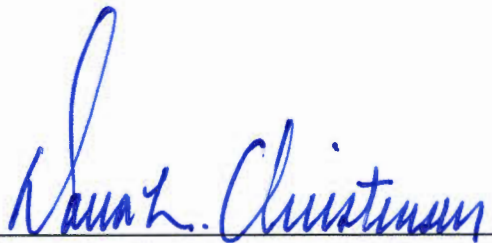
United States Magistrate Judge Jeremiah C. Lynch entered his Order and Findings and Recommendations on January 10, 2018, recommending that Petitioner Sean M. Kelledy's habeas petition be denied. (Doc. 7 at 6.) Petitioner failed to timely object to the Findings and Recommendations and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). 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) (citations omitted).

After reviewing the record and finding no clear error,

IT IS ORDERED that Judge Lynch's Order and Findings and Recommendations (Doc. 7) are ADOPTED IN FULL.

1. The Petition (Doc. 1) is DENIED for lack of merit.
2. The Clerk of Court shall enter by separate document a judgment in favor of Respondents and against Petitioner.
3. A certificate of appealability is DENIED.

DATED this 1st day of March, 2018.



Dana L. Christensen, Chief Judge
United States District Court