

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

PETER THOMPSON,

Plaintiff,

vs.

CITY OF BOZEMAN, a Montana
Municipal Corporation, et al.,

Defendants.

CV 18–75–BMM–KLD

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(DOC. 200)**

Plaintiff Peter Thompson filed a complaint containing various counts of constitutional violations and torts against several defendants. The allegations generally arise from a protracted dispute and litigation between Thompson and the Cattail Creek Community Association (CCCA). The Court adopts the naming of the Defendants used by the United States Magistrate Judge Kathleen DeSoto in her Findings and Recommendations.

Judge DeSoto issued Findings and Recommendations on several Defendants' motions to dismiss on June 1, 2020. (Doc. 200). The Findings and Recommendations recommended denying Defendants' motion to dismiss and granting the alternative motions for a more definite statement. This Court granted Thompson an extension of time to file objections, which he failed to do. (Doc.

206, 211) (order granting Thompson time to file objections to Doc. 200 by July 27, 2020).

Those portions of the findings and recommendations to which no party objected will be reviewed for clear error. 28 U.S.C. § 636(b)(1)(A); *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) (citations omitted). The Court reviews the Findings and Recommendations for clear error.

The Magistrate Judge also correctly noted the liberality standard applied to pro se pleadings. The Court likewise construes Thompson’s pleadings liberally due to his status as a pro se litigant. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007)

The Findings and Recommendations note that Thompson’s Amended Complaint is lengthy and confusing, preventing the Court from being able to determine if Thompson possess or has pled a cognizable claim for relief. (Doc. 200 at 4). Judge DeSoto concluded that the Amended Complaint fails to provide a short and plain statement of the claims for relief. (Doc. 200 at 6). There is no clear error in this conclusion.

CONCLUSION

IT IS HEREBY ORDERED:

1. The Findings and Recommendations (Doc. 200) are **ADOPTED IN FULL**.
2. Commonwealth Land Title Insurance Company (Doc. 11), Randy Sullivan (Doc. 34), Cattail Creek Defendants (Doc. 49), and the City of Bozeman Defendants' (Doc. 71) motions to dismiss are **DENIED** and Defendants' alternative motions for a more definite statement are **GRANTED**.
3. Thompson shall file an amended complaint providing a more definite statement of no more than twenty (20) pages in length addressing all remaining defendants, including US Bank, and curing any other deficiencies noted in the Findings and Recommendations (Doc. 200) on or before August 11, 2020.

DATED this 28th day of July, 2020.



Brian Morris, Chief District Judge
United States District Court