

FILED

NOV 16 2012

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

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

BYRON WAYNE AABERGE,

Petitioner,

vs.

ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Defendant.

No. CV 12-85-GF-SEH

ORDER

On October 25, 2012, United States Magistrate Judge Keith Strong entered Findings and Recommendations¹ in this matter. Petitioner did not file objections. No review is required of proposed findings and recommendations to which no objection is made. Thomas v. Arn, 474 U.S. 140, 149-152 (1986). However, this Court will review Judge Strong's Findings and Recommendations for clear error.

¹ Docket No. 2.

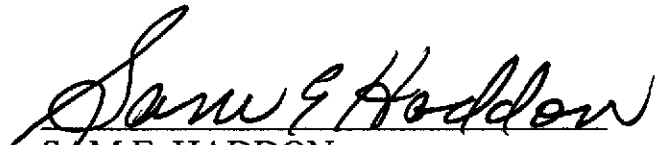
Upon review, I find no clear error in Judge Strong's Findings and Recommendations and adopt them in full.

ORDERED:

1. The Petition² is DISMISSED for failure to exhaust state remedies.
2. A certificate of appealability is DENIED. Any appeal from this disposition will not be taken in good faith due to Petitioner's failure to exhaust state remedies.

The Clerk is directed to enter judgment accordingly.

DATED this 16th day of November, 2012.


SAM E. HADDON
United States District Judge

² Docket No. 2.