

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

FILED

MAR 25 2013

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

J.C. MONTGOMERY,

Plaintiff,

vs.

ROLAND KENNERLY, JR.,

Defendant.

CV 13-17-GF-DWM-RKS

ORDER

J.C. Montgomery filed a complaint against Roland Kennerly, Jr., that states allegations related to her relationship with Mr. Kennerly as an employee and tenant. Montgomery is proceeding pro se and *in forma pauperis*. Magistrate Judge Strong recommends dismissing the complaint with prejudice for lack of subject matter jurisdiction.

Montgomery had 14 days to file objections to Judge Strong's Findings and Recommendation. She did not do so. So the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Court finds no clear error. For the reasons given in the Findings and

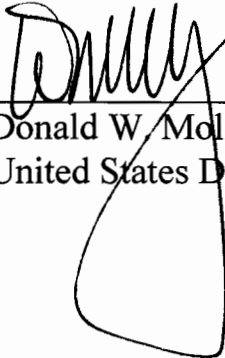
Recommendation, there is no federal jurisdiction over Montgomery's claims. Her complaint belongs in state or tribal court.

IT IS ORDERED that the Findings and Recommendations (doc. 5) are adopted in full.

IT IS FURTHER ORDERED that this matter is DISMISSED WITH PREJUDICE. The Clerk of Court is directed to close this case and enter judgment in favor of the defendant.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

Dated this 25th day of March 2013.



Donald W. Molloy, District Judge
United States District Court