

FILED

JUL 08 2014

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

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

MICHAEL JOHN STEWART,

Plaintiff,

vs.

WANER, FRINK, ROEHRIGE,
EMERSON, HODGES, KLOOS,
CHRISTIAENS, SHERRARD,
WANDLER, and CRANDLE,

Defendants.

CV 13-81-GF-DWM-RKS

ORDER

This matter comes before the Court on Plaintiff Michael John Stewart's Complaint. (Doc. 6.) United States Magistrate Judge Keith Strong entered Findings and Recommendation on June 2, 2014, recommending Stewart's federal claims be dismissed and the Court decline to exercise supplemental jurisdiction over his remaining state law claims. (Doc. 16.)

Stewart is entitled to *de novo* review of the specified findings or recommendations to which he objects. 28 U.S.C. § 636(b)(1). Stewart has not

filed any objections. The Court reviews the findings and recommendations not specifically objected to for clear error. *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).

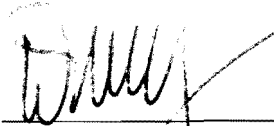
The Court finds no clear error with Judge Strong’s analysis or conclusions. Stewart was given an opportunity to file an amended complaint to fix the deficiencies in his existing one. He failed to do so and his federal claims are properly dismissed for failure to state a claim. In the absence of any remaining claims under federal law and due to the early stage of this litigation, it would be inappropriate for the Court to retain jurisdiction over this matter. Therefore, this case is remanded to the state court.

Accordingly, IT IS ORDERED:

- (1) Judge Strong’s Findings and Recommendations (Doc. 16) are
ADOPTED IN FULL.
- (2) Stewart’s federal claims are DISMISSED for failure to state a claim.
- (3) The Court declines to exercise supplemental jurisdiction over the remaining state law claims under 28 U.S.C. § 1367(c)(3) and this matter is REMANDED to the Ninth Judicial District Court of the

State of Montana, Toole County.

Dated this 5th day of July, 2014.



Donald W. Molloy, District Judge
United States District Court