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

BILL LIETZKE, Plaintiff, vs. CITY OF MONTGOMERY, TODD STRANGE, and KEVIN MURPHY, Defendants.	**CV 14-96-GF-BMM** **ORDER ADOPTING FINDINGS AND RECCOMENDATIONS OF MAGISTRATE JUDGE**

Plaintiff Bill Lietzke filed a complaint on December 22, 2014, that alleged numerous tort claims and claims based on violations of his constitutional rights against the city of Montgomery, Alabama and its law enforcement officers. (Doc. 2). Lietzke's claims arise from an incident that took place in Montgomery, Alabama. *Id*. Lietzke proceeds pro se.

United States Magistrate Judge Strong entered Findings and Recommendations in this matter on December 30, 2014. (Doc. 4). Judge Strong granted Lietzke's motion to proceed in forma pauperis. *Id*. Judge Strong concluded that this Court lacks jurisdiction over Liezke's claim and that venue would be improper in the District of Montana. *Id*. Judge Strong recommended that this Court dismiss Lietzke's complaint with prejudice. *Id*.

Lietzke filed objections to Judge Strong's Findings and Recommendations on January 9, 2015, and on January 20, 2015. (Doc. 5, 6). Lietzke had 14 days to object to Judge Strong's Findings and Recommendations. Lietzke submitted his second set of objections to Judge Strong's Findings and Recommendations sometime after January 14, 2014. (Doc. 6). Lietzke failed to file this second set of objections within 14 days of service as required under 28 U.S.C. § 636(b)(1). The Court declines to review Lietzke's untimely objections.

The Court will review de novo the portions of the Findings and Recommendations to which Lietzke's has filed timely objections. 28 U.S.C. § 636(b)(1). Lietzke's timely objections appear to be a proposed order regarding Lietzke's claims. (Doc. 5). Lietzke fails to object to any particular factual finding or recommendation of Judge Strong. The Court will review for clear error the remainder of the Findings and Recommendations. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no clear error in Judge Strong's Findings and Recommendations, and adopts them in full.

None of the parties in this case are found in Montana. The Court lacks personal jurisdiction. Fed. R. Civ. P. 4(k)(1)(A); Mont. R. Civ. P. 4(b)(1). Lietzke did not reside in Montana at the commencement of this action and no defendant resides in Montana. Liezke's claims arise from actions that took place outside

Montana. Venue is improper in any division of the Court. Local Rule 3.2(b); 28 U.S.C. § 1291(b). These defects could not be cured by any amendment.

IT IS HEREBY ORDERED:

1. Plaintiff's complaint (Doc. 2) is DISMISSED WITH PREJUDICE.

2. Judge Strong's Findings and Recommendations (Doc. 4) are ADOPTED IN FULL.

3. The Clerk is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 4th day of February, 2015.

Brian Morris
United States District Court Judge