

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

ROYAL DOMINGO FLAGG,

Petitioner,

v.

LORETTA LYNCH,

Defendants.

CV-16-118-GF-BMM-JTJ

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 20, 2017. (Doc. 7.) No party filed objections.

Given that no objections were filed, the Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

I. BACKGROUND

Plaintiff Royall Flagg ("Flagg") filed a Complaint on November 16, 2016. (Doc. 2.) Judge Johnston issued an Order on June 8, 2017, finding that Flagg's

Complaint failed to state a claim upon which relief could be granted. (Doc. 5.) Judge Johnston's Order provided Flagg an opportunity to file an amended complaint within thirty days. (Doc. 5. at 8-9.)

Judge Johnston's Order was mailed to Flagg on June 8, 2017, and returned as undeliverable on July 5, 2017. (Doc. 6.) Judge Johnston's Findings and Recommendations were mailed to Flagg on September 20, 2017, and returned as undeliverable on October 10, 2017. (Doc. 8.)

II. DISCUSSION

Judge Johnston recommends dismissal without prejudice for Flagg's failure to notify the Court of his change of address. (Doc. 7 at 2.)

This District's Local Rule 5.2(b) provides that the Court may dismiss a complaint without prejudice when a document has: (1) been returned as undeliverable, and (2) the Court does not receive within 60 days of the return a written communication updating the party's address for service.

The 60 day period in which Mr. Flagg was to file such notice lapsed on September 4, 2017. Nothing in the record indicates that Mr. Flagg has filed a written notice informing the Court of his change of address.

III. ORDER

Accordingly, **IT IS ORDERED** that Magistrate Judge Johnston's Findings and Recommendations (Doc. 7) is **ADOPTED IN FULL**. Flagg's Complaint is

DISMISSED WITHOUT PREJUDICE pursuant to L.R. 5.2(b).

DATED this 16th day of October, 2017.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a large initial "B".

Brian Morris
United States District Court Judge