

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

ROBERT D. RIGGS

Plaintiff,

vs.

STATE OF MONTANA (DOC), A. W.
TOM WOOD, A. W. MYRON
BEESON, LT. LAKEL, DAVE
PINTLND, SARG. WEBER, and P.
MORTIN (MSP DHO), et al.,

Defendants.

CV-17-9-GF-BMM-JTJ

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

United States Magistrate Judge John Johnston issued Findings and Recommendations in this matter. (Doc. 2.) Judge Johnston recommended that the Court remand this matter to the Third Judicial District Court, Deer Lodge, Powell County, Montana, due to improper removal. *Id.* at 2. Only a defendant may remove a case filed in state court to federal court under 28 U.S.C. § 1441. Here, plaintiff improperly removed his own case. *Id.*

No party filed an objection to Judge Johnston’s Findings and Recommendations. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court reviews Judge Johnston’s Findings and

Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error.

ORDER

Accordingly, **IT IS ORDERED** that Magistrate Judge Johnston's Findings and Recommendations (Doc. 2) is **ADOPTED IN FULL**.

The Clerk of Court is directed to send a certified copy of these Findings and Recommendations to the Clerk of Court for the Third Judicial District Court, Deer Lodge, Powell County, Montana. The Clerk of Court is further directed to send a copy of this Order to Jeffrey Doud, Agency Legal Services Bureau, Montana Department of Justice, 1712 Ninth Avenue, PO Box 201440, Helena, MT 59620-1440.

DATED this 13th day of April, 2017.



Brian Morris
United States District Court Judge