

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

ALECK LEE JOHNSON,

Petitioner,

v.

JAMES SALMONSEN, ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondent.

CV-18-139-GF-BMM

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

United States Magistrate Judge John Johnston entered Findings and Recommendations in this case on October 29, 2018. (Doc. 4.) Judge Johnston granted Petitioner Aleck Lee Johnson's motion to proceed in forma pauperis. (Doc. 4 at 1.) Judge Johnston recommended that Johnson's petition for writ of habeas corpus be dismissed without prejudice. (Doc. 4 at 3.) Judge Johnston recommended that the Clerk of Court enter a judgment of dismissal. (Doc. 4 at 5.) Judge Johnston further recommended that a certificate of appealability be denied. (Doc. 4 at 5.)

Neither party filed objections. The Court reviews findings and recommendations not 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) (citations omitted). The Court finds no error in Judge Johnston’s Findings and Recommendations and adopts them in full.

IT IS ORDERED that Judge Johnston’s Findings and Recommendations (Doc. 4) are ADOPTED IN FULL.

IT IS ORDERED that Johnston’s petition (Doc. 1) is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of Court shall enter, by separate document, a judgment of dismissal.

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

DATED this 18th day of December, 2018.



Brian Morris
United States District Court Judge