

FILED

SEP 09 2009

PATRICK E. DUFFY, CLERK

By _____
DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

HELENA DIVISION

ELDON HUFFINE,)	CV 09-32-H-DWM-RKS
)	CV 09-33-H-DWM-RKS
Petitioner,)	
)	
vs.)	ORDER
)	
MONTANA STATE PRISON, et al.,)	
)	
)	
Respondents.)	
_____)	

Petitioner Eldon Huffine has filed two petitions for habeas corpus relief, purportedly on behalf of persons other than himself. United States Magistrate Judge Keith Strong entered Findings and Recommendations in these matters in which he concludes that the petitions must be dismissed without prejudice because Petitioner Huffine is not a member of the Bar of this Court and may not sign and file legal documents on behalf of anyone other than himself.

Petitioner did not timely object and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings

and Recommendation 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).

I can find no clear error with Judge Strong’s Findings and Recommendations and therefore adopt them in full.

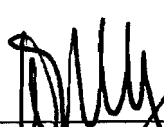
Accordingly, IT IS HEREBY ORDERED that the Petitions in Case Nos. CV 09-32-H and 09-33-H, purporting to be filed on behalf of other persons, are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of Court shall enter by separate document a judgment in each case in favor of Respondents and against Petitioner Huffine.

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

Petitioner is advised that no motions for reconsideration or rehearing will be entertained and that, other than a Notice of Appeal, the Clerk will discard any further documents submitted by Petitioner in these cases.

Dated this 5 day of September, 2009.



Donald W. Molloy, District Judge
United States District Court