

FILED

NOV 27 2012

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

JACKIE TAYLOR,)	CV 12-72-H-DLC-RKS
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
KATE MAJIVER, et al.,)	
)	
Defendants.)	
_____)	

United States Magistrate Judge Keith Strong entered Findings and Recommendation on October 16, 2012, and recommended dismissing Plaintiff Jackie Taylor's Complaint because her allegations fail to state a claim for relief against any of the named Defendants. Plaintiff did not timely object to the Findings and Recommendation, 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).

Ms. Taylor was advised by Court order that her case was subject to dismissal for failure to state a claim upon which relief could be granted. The August 15, 2012 Order set forth instructions regarding the basics of stating claims and gave her an opportunity to file an amended complaint using the court-approved form. Taylor did not follow these instructions. After a review of Judge Strong’s Findings and Recommendation, I find no clear error. Accordingly,

IT IS HEREBY ORDERED that Judge Strong’s Findings and Recommendation (doc. 9) are adopted in full. Plaintiff’s Complaint is DISMISSED for failure to state a claim upon which relief may be granted.

The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the docket shall reflect that the Court certifies pursuant to Fed.R.App.P. 24(a)(3)(A) that any appeal of this decision would not be taken in good faith. The record makes plain that Ms. Taylor’s failure to state a claim is so clear no reasonable person could suppose an appeal would

have merit.

DATED this 27th day of November, 2012.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large, looped initial "D". A horizontal line is drawn across the signature.

Dana L. Christensen, District Judge
United States District Court