

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

FILED

SEP 10 2013

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

PETER WILLIAM HARPER,)	CV 13-10-H-DLC-RKS
)	
Petitioner,)	
)	
vs.)	ORDER
)	
)	
STATE OF MONTANA,)	
)	
Respondents.)	
_____)	

Petitioner Peter William Harper filed this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. United States Magistrate Judge Keith Strong entered Findings and Recommendation on August 5, 2013, and recommended denying Harper’s petition. Petitioner did not timely object to the Findings and Recommendations, 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 Recommendations 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).


Harper's petition challenges a sentence imposed in 1996 for drug-related offenses and seeks revocation of the suspended portion of that sentence in 2012. Judge Strong found that Harper's claim regarding the 1996 conviction failed for lack of subject-matter jurisdiction and that the claims regarding revocation are procedurally defaulted. 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. 6) are adopted in full. Harper's Petition (doc. 1) is DENIED on the merits.

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

The Clerk of Court is directed to enter, by separate document, a judgment of dismissal.

Dated this 10th day of September, 2013.



Dana L. Christensen, District Judge
United States District Court