

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

FILED

JUN 24 2014

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

JAN TYLER and AMANDA TYLER,

Plaintiffs,

vs.

BANK OF AMERICA, N.A.,

Defendant.

CV 13-67-H-DWM-RKS

ORDER

This matter comes before the Court on Plaintiffs Jan and Amanda Tyler's Complaint and Amended Complaint (Docs. 2 and 6.) United States Magistrate Judge Keith Strong entered Findings and Recommendations on May 16, 2014, recommending this case be dismissed without prejudice for failure to file a "short and plain statement of the claim." (Doc. 8.)

The Tylers are entitled to *de novo* review of the specified findings or recommendations to which they object. 28 U.S.C. § 636(b)(1). The Court reviews the findings and recommendations not specifically 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

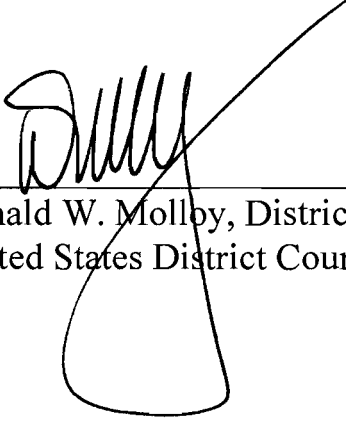
conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). The Tylers have not filed any objections to Judge Strong’s Findings and Recommendations.

The Court finds no clear error in Judge Strong’s determination that this case should be dismissed because the Tylers failed to file a “short and plain statement” as required by Rule 8 of the Federal Rules of Civil Procedure and failed to file an appropriate amended complaint after having been given leave to file such a pleading.

Accordingly, IT IS ORDERED that the Findings and Recommendations (Doc. 8) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that this case is DISMISSED WITHOUT PREJUDICE.

Dated this 24th day of June, 2014.



Donald W. Molloy, District Judge
United States District Court