

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

FILED
OCT 07 2016
Clerk, U.S. District Court
District Of Montana
Missoula

DEAN REEVES,

Petitioner,

vs.

DOUGLAS FENDER, ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

CV 16-37-H-DLC-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this matter on August 15, 2016, recommending denial of Petitioner Dean Reeves's ("Reeves") application for writ of habeas corpus under 28 U.S.C. § 2254. The parties failed to timely object to the Findings and Recommendations, and so waived their right to de novo review of the record. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v.*

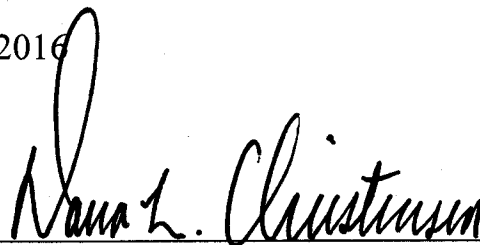
Syrax, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the Findings and Recommendations, the Court finds no clear error in Judge Johnston's conclusion that Reeves's petition should be denied for lack of merit. Reeves's petition seeks to challenge the denial of his parole in September of 2015. However, the Court agrees with Judge Johnston that apart from procedural rights, there is no constitutional right to parole or state-created liberty interest in parole. Here, Reeves's procedural rights were not violated because he was provided an opportunity to be heard and was given reasons why his parole was denied. Reeves's petition will be denied.

There being no clear error in Judge Johnston's Findings and Recommendations, IT IS ORDERED that:

- (1) Judge Johnston's Findings and Recommendations (Doc. 6) are ADOPTED IN FULL.
- (2) Reeves's petition (Doc. 1) is DENIED for lack of merit.
- (3) The Clerk of Court is directed to enter, by separate document, a judgment of dismissal.
- (4) A certificate of appealability is DENIED

Dated this 7th day of October, 2016

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

Dana L. Christensen
Dana L. Christensen, Chief Judge
United States District Court