

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

FILED

JUL 28 2017

Clerk, U.S. Courts
District Of Montana
Missoula Division

TIMOTHY RAY SADLER,

Plaintiff,

vs.

SHERIFF DUTTON, et al.,

Defendants.

CV 16-83-H-DLC-JTJ
(CV 17-00026-M-DLC-JCL)
(CV 17-00042-H-DLC-JTJ)

ORDER

United States Magistrate Judge John Johnston entered his Order, Findings and Recommendation on June 1, 2017, recommending dismissal of Plaintiff Timothy Sadler's ("Sadler") claims of defamation, libel, and slander (CV 17-42-H-DLC-JTJ) and denial of his motion that this matter to be certified as a class action (CV 16-83-H-DLC-JTJ).¹ Sadler has failed to timely object to the Findings and Recommendation, and, as a result, has waived his 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.

¹ Judge Johnston also ordered that the above-captioned matter be consolidated with CV 17-00042-H-DLC-JTJ. Judge Johnston previously ordered that this matter be consolidated with CV 17-00026-M-DLC-JCL. (*See* CV 17-00026-M-DLC-JCL (Doc. 4).)

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 Recommendation, the Court finds no clear error in Judge Johnston’s conclusion that Sadler’s claims of defamation, libel, and slander must be denied. These claims fail to state a federal constitutional claim and, thus, cannot be pursued under 42 U.S. Code § 1983. *See Paul v. Davis*, 424 U.S. 693, 699–701 (1976); *Hernandez v. Johnson*, 833 F.2d 1316, 1319 (9th Cir. 1987). Further, Sadler, as a plaintiff appearing pro se, cannot bring claims on the behalf of others. For this reason the Court agrees with Judge Johnston that Sadler’s motion to certify this matter as a class action must be denied.

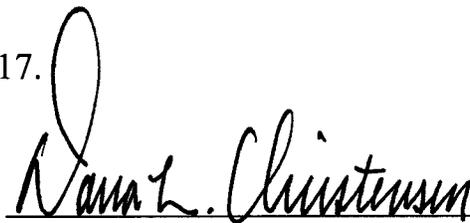
Accordingly, there being no clear error in Judge Johnston’s Findings and Recommendation, IT IS ORDERED that:

(1) Judge Johnston’s Findings and Recommendation (Doc. 16) is ADOPTED IN FULL.

(2) Plaintiff Sadler’s request that this matter be certified as a class action (Civil Action No. 16cv83-H-DLC-JTJ, Doc. 2 at 20-26) is DENIED.

(3) Plaintiff Sadler’s claims of defamation, libel, and slander (Civil Action No. 6:17cv42-H-DLC-JTJ, Doc. 2 at 9) are DISMISSED.

Dated this 20th day of July, 2017.



Dana L. Christensen, Chief Judge
United States District Court