

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

FILED

DEC 14 2016

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

In RE: TIMOTHY RAY SADLER,

Plaintiff,

CV 16-99-H-DLC-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this matter on November 15, 2016, recommending denial of Plaintiff Timothy Sadler's ("Sadler") complaint for injunctive relief. Sadler failed to timely object to the Findings and Recommendations, and so 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. 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 Sadler's complaint is frivolous and

fails to plead a federal cause of action because the complaint does not name an individual against whom his claim is based. Without naming a defendant, it is impossible for this Court to determine if federal jurisdiction exists in this matter.

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

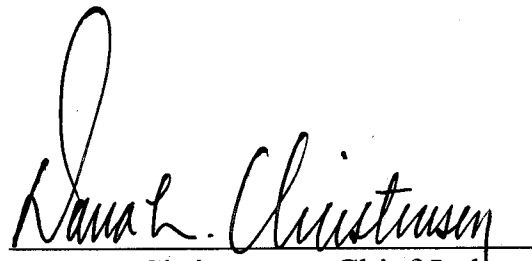
(1) Judge Johnston's Findings and Recommendations (Doc. 3) are ADOPTED IN FULL.

(2) Sadler's Complaint (Doc. 2) is DISMISSED.

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

(4) The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. The record makes plain the instant Complaint lacks arguable substance in law or fact.

Dated this 14th day of December, 2016


Dana L. Christensen, Chief Judge
United States District Court