

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

BRUD ROSSMANN,

Plaintiff,

vs.

DAN CHANDLER, et al.,

Defendants.

CV-17-00075-H-BMM-JTJ

ORDER

Plaintiff Brud Rossmann filed a complaint pursuant to 42 U.S.C. § 1982. (Doc. 2.) The Clerk of Court's Office sent Rossmann a Notice of Case Opening and a letter informing him that he needed to file a copy of his inmate account statement with his motion to proceed in forma pauperis. (Doc. 3.) That mailing was returned as undeliverable on July 27, 2017. (Doc. 4.)

United States Magistrate Judge John T. Johnston entered Findings and Recommendations in this matter on October 4, 2017. (Doc. 5.) Neither party filed objections.

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations,

however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston determined that the Local Rules for the District of Montana provide that the Court may dismiss a complaint without prejudice or strike an answer when the Court fails to receive within 60 days of this return a written communication from the attorney or self-represented party indicating a current address for service. L.R. 5.2(b)(2). Judge Johnston determined that it has been more than 60 days since the return of the Court's mail on July 27, 2017. (Doc. 5 at 1.) Rossmann has not provided the Court with a written notice informing it of his change of address. *Id.* at 2. Accordingly, Judge Johnston recommends that Rossmann's Motion to Proceed in Forma Pauperis be denied and that this action be dismissed without prejudice. *Id.*

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 5), are ADOPTED IN FULL.

IT IS ORDERED that the Motion to Proceed in Forma Pauperis is DENIED.

IT IS FURTHER ORDERED that this action be dismissed without prejudice pursuant to L.R. 5.2(b).

DATED this 30th day of October, 2017.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris
United States District Court Judge