

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

NATHANAEL RAY GREENE,

Petitioner,

vs.

MICHAEL FLETCHER,

Respondent.

CV-18-08-H-BMM-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered his Order and Findings and Recommendations on April 18, 2018, recommending dismissal of Petitioner Nathanael Greene's petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 17.) Severson timely filed an objection on May 3, 2018. (Doc. 20.)

The Court reviews *de novo* findings and recommendations to which objections are made. 28 U.S.C. § 636(b)(1)(C). Portions of findings and recommendations to which no party specifically objects are reviewed 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) (citations omitted). "A party makes a proper objection by

identifying the parts of the magistrate's disposition that the party finds objectionable and presenting legal argument and supporting authority, such that the district court is able to identify the issues and the reasons supporting a contrary result." *Montana Shooting Sports Ass'n v. Holder*, 2010 WL 4102940, at *2 (D. Mont. 2010) (citations omitted).

Judge Johnston determined, and this Court agrees, that this matter should be dismissed because Greene has not filed an individual petition for habeas corpus relief as directed. Greene is precluded from filing his request for habeas relief en masse with other petitioners. Greene's objection does not relate to Judge Johnston's Findings and Recommendations and merely rehashes the grievances aired in his petition and supplement. As a result, this Court reviews the record for clear error. L.R. 72.3(a).

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. 17), are **ADOPTED IN FULL**.

IT IS ORDERED that Greene's Petition (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.

IT IS ORDERED that the Clerk of Court shall enter a judgement of dismissal.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

DATED this 23rd day of July, 2018.

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