

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

FILED

SEP 19 2018

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

JEROMEY G. JONES,

Plaintiff,

vs.

MONTANA STATE PRISON and MS.
DALY,

Defendants.

CV 18-71-H-DLC-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Order and Findings and Recommendations (Doc. 9) in this case on July 26, 2018, recommending that Plaintiff Jeromey G. Jones' ("Jones") Declaration and Proposed Order (Doc. 8), construed as a motion for a temporary restraining order, be denied. Jones filed an objection (Doc. 10) to Judge Lynch's Findings and Recommendations on August 15, 2018. This Court must review de novo those findings and recommendations to which Jones has specifically objected. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *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).


“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. Oct. 18, 2010) (citation omitted). “It is not sufficient for the objecting party to merely restate arguments made before the magistrate or to incorporate those argument by reference.” *Id.* Congress created magistrate judges to provide district judges “additional assistance in dealing with a caseload that was increasing far more rapidly than the number of judgeships.” *Thomas*, 474 U.S. at 153. There is no benefit to the judiciary “if the district court[] is required to review the entire matter de novo because the objecting party merely repeats the arguments rejected by the magistrate. In such situations, this Court follows other courts that have overruled the objections without analysis. *Montana Shooting Sports Ass’n*, 2010 WL 4102940, at *2 (internal quotation marks and citation omitted).

In short, Jones has merely reiterated the arguments and facts contained in his motion for a temporary restraining order, which Judge Johnston rejected in his Findings and Recommendations. Accordingly, the Court reviews Judge Johnston’s

Findings and Recommendations for clear error. The Court finds no error in Judge Johnston's conclusion that an insufficient nexus exists between the claims in the motion for injunctive relief and those contained in Jones' Complaint. *See Pac. Radiation Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631, 636 (9th Cir. 2015). Therefore,

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 9) are ADOPTED IN FULL, Plaintiff's Declaration and Proposed Order (Doc. 8) is DENIED.

DATED this 19th day of September, 2018.



Dana L. Christensen, Chief Judge
United States District Court