

FILED**OCT 01 2018**Clerk, U.S. Courts
District Of Montana
Missoula Division

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

JEROMEY G. JONES,

Plaintiff,

vs.

MONTANA STATE PRISON and
TERRIE STEFALO,

Defendants.

CV 18-75-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered his Order and Findings and Recommendations in this case on July 26, 2018, ordering the denial of Plaintiff Jeromey G. Jones' ("Jones") motion to appoint counsel and recommending that his declaration and proposed order (Doc. 8) be construed as a motion for temporary restraining order and, consequently, be denied. (Doc. 9 at 6-7.) Jones timely filed an objection. (Doc. 11.) Consequently, Jones is entitled to de novo review of those findings and recommendations to which he 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).

Jones’ objection is insufficient.¹ He has merely restated the facts supporting his initial request for a temporary restraining order without legal argument or any attempt to disprove the reasoning of Judge Johnston. Consequently, this Court reviews for clear error. *Reyna-Tapia*, 328 F.3d at 1121. Finding none,

IT IS ORDERED that Judge Johnston’s Order and Findings and Recommendation (Doc. 9) is ADOPTED IN FULL. Jones’ declaration and proposed order (Doc. 8) is construed as a motion for temporary restraining order and is DENIED.

¹ To the extent that his objection pertains to Judge Johnston’s order denying his motion to appoint counsel, it is also insufficient in that it does not succeed in convincing the Court that Judge Johnston’s order is clearly erroneous. *Grimes v. City and County of San Francisco*, 951 F.2d 236, 241 (9th Cir. 1991).

DATED this 1st day of October, 2018.

Dana L. Christensen, Chief Judge
United States District Court

