

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

JOSEPH E. LAWRENCE,

Plaintiff,

vs.

STATE OF MONTANA, et al.,

Defendants.

CV 19-63-H-BMM-JTJ

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS**

Plaintiff Joseph E. Lawrence (“Lawrence”) filed this action on September 27, 2019. Lawrence called the document an “appellant’s brief” and a “motion for supervisory control.” Magistrate Judge John Johnston construed it as a complaint because it was the document that initiated this action. (Doc. 8 at 2.) Because Lawrence is proceeding in forma pauperis, Judge Johnston had a duty to screen Lawrence’s Complaint under 28 U.S.C. § 1915(e)(2) before it was served on defendants. Judge Johnston reviewed the complaint to determine whether it state any claim on which relief can be granted. (*Id.* (citing 28 U.S.C. § 1915(e)(2)(B)(ii), 1915A(a)).)

Judge Johnston issued findings and recommendations on November 21, 2019. (Doc. 8.) He recommended that this action be dismissed for a lack of subject matter jurisdiction. (*Id.* at 9.) Judge Johnston determined that the Court had no

authority to exercise supervisory control over the Montana state courts. (*Id.* at 3-4.) He further determined that Lawrence's allegations do not support and could not be amended to support a civil action under the Constitution, laws, or treaties of the United States. (*Id.* at 4.) Judge Johnston then walked through a number of laws that Lawrence had cited. Lawrence timely filed his objections on December 2, 2019. (Doc. 10.)

The Court reviews de novo Findings and Recommendations timely objected to. 28 U.S.C. § 636(b)(1). The Court reviews for clear error the portions of the Findings and Recommendations not specifically objected to. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Where a party's objections constitute perfunctory responses argued in an attempt to engage the district court in a reargument of the same arguments set forth in the original response, however, the Court will review the applicable portions of the findings and recommendations for clear error. *Rosling v. Kirkegard*, 2014 WL 693315 *3 (D. Mont. Feb. 21, 2014) (internal citations omitted).

Lawrence attempts to outline a number of ways that this Court has jurisdiction over his claims. He repeats many of the same arguments he made previously. Judge Johnston considered these arguments in making his recommendation to the Court. The Court finds no specific objections that do not

attempt to relitigate the same arguments and will review Judge Johnston's Findings and Recommendations for clear error. The Court finds no error.

ORDER

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 10) are **ADOPTED IN FULL**. This action (Docs. 1, 5, 6, 7) is **DISMISSED** for lack of subject matter jurisdiction. Lawrence's motion to forward state court records to this Court (Doc. 2) is **DENIED AS MOOT**. The Court certifies, under Federal Rule of Appellate Procedure 24(a)(4)(B), that any appeal from this disposition is not taken in good faith.

DATED this 2nd day of March, 2020.



Brian Morris
United States District Court Judge