

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

TRISTAN ROSE,

Petitioner,

vs.

ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Respondent.

CV 20-31-H-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on April 14, 2020 (Doc. 4.) Judge Johnston recommended that Petitioner Tristan Rose's Petition (Doc. 1) should be dismissed without prejudice due to his failure to exhaust administrative remedies. (Doc. 4.)

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 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). Reviewing for clear error and finding none,

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 4) are **ADOPTED IN FULL**. Petitioner Tristan Rose's Petition (Doc. 1) is **DISMISSED**, without prejudice. The Clerk of Court is directed to enter judgment of dismissal. Further, the certificate of appealability is **DENIED**.

DATED this 10th day of June, 2020.



Brian Morris, Chief District Judge
United States District Court