

**FILED**

SEP 29 2010

PATRICK E. DUFFY, CLERK

By \_\_\_\_\_  
DEPUTY CLERK, MISSOULA

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

MONTANA SHOOTING SPORTS )  
ASSOCIATION, SECOND AMENDMENT )  
FOUNDATION, INC., and GARY )  
MARBUT, )

Plaintiffs, )

vs. )

ERIC H. HOLDER, JR., ATTORNEY )  
GENERAL OF THE UNITED STATES OF )  
AMERICA, )

Defendants. )

CV 09-147-M-DWM-JCL

ORDER

The Court having reviewed Magistrate Judge Jeremiah C. Lynch's Findings and Recommendations together with the objections of the Plaintiffs and Intervenor and the response filed by the Defendant, and having conducted a de novo review as required by 28 U.S.C. § 636(b)(1),

IT IS HEREBY ORDERED that Judge Lynch's Findings and Recommendations (Doc. No. 103) are adopted in full, and the Defendant's motion to dismiss for lack of subject matter jurisdiction and failure to state a claim (Doc. No. 10) is GRANTED. The case will be dismissed and judgment entered upon the filing of a forthcoming explanatory opinion.

DATED this 29<sup>th</sup> day of September, 2010.



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Donald W. Molloy, District Judge  
United States District Court

