

FILED
APR 01 2010
By PATRICK E. DUFFY, CLERK
DEPUTY CLERK, MISSOULA

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

THERESA ANNE CHABOT,)	CV 09-163-M-DWM-JCL
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
WASHINGTON MUTUAL BANK, and)	
JP MORGAN CHASE BANK,)	
)	
Defendants.)	
_____)	

Defendants Washington Mutual Bank and JP Morgan Chase Bank's Motion to Dismiss under Fed. R. Civ. P. 12(b)(6) was filed on February 2, 2010. The response deadline for the motion was February 23, 2010. To date, Plaintiff Theresa Anne Chabot has not filed a response to the motion to dismiss or requested an extension to file a response.

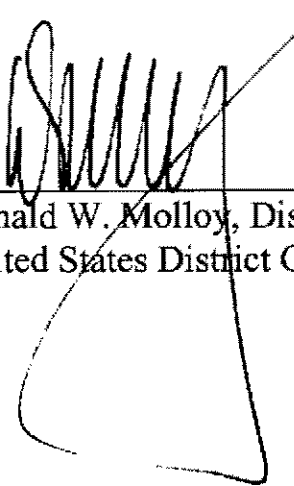
United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this case on March 10, 2010. Plaintiff Chabot did not timely object and so has waived the right to de novo review of the record. 28 U.S.C. §

636(b)(1). This Court reviews the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). 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). I can find no clear error with Judge Lynch’s recommendation and therefore adopt it in full.

I find this action is the third in a series of legal actions brought by Chabot against the Defendants and that the same legal claims resolved against Chabot in the prior bankruptcy proceedings are advanced. I also find that res judicata applies in the instant case.

IT IS HEREBY ORDERED that Defendants’ Motion to Dismiss (dkt #13) is GRANTED and this case is DISMISSED WITH PREJUDICE.

Dated this 1st day of April 2010.



Donald W. Molloy, District Judge
United States District Court