

**FILED**

**JAN 12 2011**

**PATRICK E. DUFFY, CLERK**

By DEPUTY CLERK, MISSOULA

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

ALLEN BAGGETT,	)	CV 10-90-M-DWM-JCL
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
TRAVELERS, B&B AUTO TIRE	)	
AND TOWING, CHARTER OAK,	)	
AUTOMOBILE ASSOCIATION OF	)	
AMERICA, MONTANA STATE	)	
INSURANCE AUDITOR, AAA	)	
MOUNTAIN WEST, AAA OREGON/ IDAHO,	)	
	)	
Defendants.	)	
_____	)	

United States Magistrate Judge Lynch entered Findings and Recommendation in this matter on November 29, 2010. Judge Lynch recommended the case be dismissed without prejudice pursuant to Federal Rule of

Civil Procedure 41(b).

Plaintiff did not timely object to the Findings and Recommendation and has therefore waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1).

This Court will review 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).

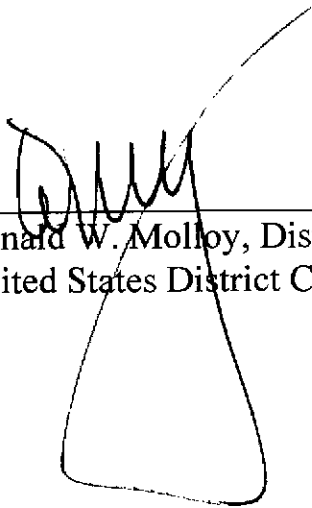
Plaintiff Allen Baggett filed a Motion to Proceed In Forma Pauperis under authority of 28 U.S.C. § 1915(a)(1), and he lodged a proposed Complaint on August 19, 2010. After receiving two denials on his request to file in forma pauperis, on September 30, 2010 Baggett filed a motion to amend his in forma pauperis motion.

October 5, 2010 the Court granted Baggett’s motion to amend his in forma pauperis motion. The Order also instructed him to provide specific financial information needed to support his amended motion. By November 8, 2010 Baggett had not filed his amended motion. The Court directed Plaintiff to file his amended motion by November 22, 2010, and warned that his case would be closed if he did not comply with the order. Plaintiff did not comply with the order.

After a review of Judge Lynch's Findings and Recommendation, I find no clear error. Accordingly,

IT IS HEREBY ORDERED that Judge Lynch's Findings and Recommendation (dkt #10) are adopted in full. Baggett's Complaint (dkt #2) is DISMISSED WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 41(b).

Dated this 12<sup>th</sup> day of January, 2011.



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Donald W. Molloy, District Judge  
United States District Court