

FILED

MAR 25 2011

PATRICK E. DUFFY, CLERK

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

CHARLES ADAM FIECHTNER, SR.)	CV 11-08-M-DWM-JCL
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
MISSOULA HOUSING AUTHORITY,)	
AMELIA LIONS, JOHN ELLIS,)	
BRENDA COSTA, MARY MELTON,)	
and D. POLING,)	
)	
Defendants.)	
_____)	

Plaintiff Charles Fiechtner, Sr. filed a Complaint on January 18, 2011.

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this case on January 20, 2011. Judge Lynch recommended that Fiechtner's Complaint be dismissed for lack of proper venue. Fiechtner timely filed nominal objections to the Findings and Recommendation on January 27, 2011.

A party filing such objections is entitled to do novo review of the "specified

proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). A party objecting to the findings or recommendations of a magistrate judge must identify the parts of the magistrate’s disposition that the party finds objectionable and present argument and supporting authority, such that the district court is able to identify the issues and the reasons supporting a contrary result. It is not sufficient for the objecting party to merely repeat arguments already made before the magistrate or discuss issues collateral to the magistrate’s findings. See Hagberg v. Astrue, 2009 WL 3386595 at *1 (D. Mont. 2009) (“There is no benefit if the district court[] is required to review the entire matter de novo because the objecting party merely repeats the arguments rejected by the magistrate.”).

In his objections, Fiechtner says he is homeless, and he makes vague allegations of fraud, identity theft, and that he has been denied medical treatment. None of this speaks to Judge Lynch’s findings and recommendation that the case be dismissed for improper venue. Accordingly, the Court reviews Judge Lynch’s factual findings for clear error, McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), and his conclusions of law de novo. Barilla v. Ervin, 886 F.2d 1514, 1518 (9th Cir. 1989), overruled on other grounds by Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174 (9th Cir. 1996).

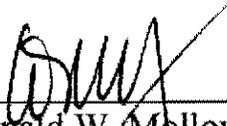
I find no clear error with Judge Lynch’s factual findings, and upon de novo

review of his ultimate legal conclusions, I agree that this action is subject to dismissal for improper venue. Venue is not proper in Montana under any of the three alternative provisions of 28 U.S.C. § 1391(a).

Accordingly, IT IS HEREBY ORDERED that Judge Lynch's Findings and Recommendation (dkt #4) are adopted in full.

IT IS FURTHER ORDERED that Fiechtner's Motion to Proceed In Forma Pauperis is DENIED as moot.

Dated this 29th day of March, 2011.



Donald W. Molloy, District Judge
United States District Court