

APR 1 8 2011

PATRICK E. DUFFY, CLERK

By

DEPUTY CLERK, MISSOULA

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

CV 11-16-M-DWM-JCL
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) ORDER
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Plaintiff Charles Adam Fiechtner, Sr. filed an Amended Complaint in this action as required by Order dated February 1, 2011. United States Magistrate

Judge Jeremiah C. Lynch entered Findings and Recommendation on February 28,

2011 and recommended dismissing Fiechtner's Amended Complaint for lack of proper venue. Plaintiff did not timely object to the Findings and

Recommendation, and so has 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." <u>United States v. Syrax</u>, 235 F.3d 422, 427 (9th Cir. 2000).

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 #9) are adopted in full. This action is DISMISSED for lack of proper venue.

Dated this ______ day of April, 2011.

Donald W. Mølloy, District Judge United States District Court