

FILED
APR 18 2011
BY PATRICK E. DUFFY, CLERK
DEPUTY CLERK, MISSOULA

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

TIMOTHY LONG JAW,)	CV 11-25-M-DWM-JCL
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
BRIAN YOUNG,)	
)	
Defendant.)	
_____)	

Plaintiff Timothy Long Jaw filed a proposed Complaint and Motion to Proceed in Forma Pauperis in this action on February 4, 2011. United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation on March 15, 2011, and found that Long Jaw cannot establish either diversity or federal question jurisdiction. Judge Lynch accordingly recommended denying Long Jaw's Motion to Proceed in Forma Pauperis and dismissing the proposed Complaint. Plaintiff did not timely object¹ to the Findings and Recommendation,

¹Plaintiff did file a notice dated March, 14, 2011, the day before the Findings and Recommendation was filed. (See dkt #8). The notice requests more "insight" on how to proceed in forma pauperis. The Court presumes the Findings and Recommendation provided the requested information.

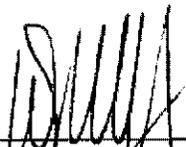
and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

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

IT IS HEREBY ORDERED that Judge Lynch’s Findings and Recommendation (dkt #7) is adopted in full. The Motion to Proceed in Forma Pauperis (dkt #5) is DENIED.

IT IS FURTHER ORDERED that the Complaint is DISMISSED WITHOUT PREJUDICE for lack of jurisdiction.

Dated this 18th day of April, 2011.



Donald W. Molloy, District Judge
United States District Court