

FILED
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PATRICK E. DUFFY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

DARRELL W. CHAPAROSA)	CV 11-89-M-DWM-JCL
)	
Petitioner,)	
v.)	ORDER
)	
1871 UNITED STATES)	
COMMANDER IN CHIEF)	
BARACK OBAMA,)	
)	
Respondent.)	
_____)	

On June 22, 2011, Petitioner Darrell Chaparosa, proceeding pro se, filed a petition titled "Common Law Petition for a Common Law Writ of Habeas Corpus ad Subjiciendum, Mandamus, and Declaratory Judgment." (Dkt # 1). He also moved to proceed *in forma pauperis*. The matter was referred to Magistrate Judge Lynch under 28 U.S.C. § 636(b). While Chaparosa's initial petition was entirely incomprehensible, Judge Lynch gave Chaparosa the opportunity to amend his

petition in order to clarify his allegations. (Dkt # 4). Judge Lynch also instructed Chaparosa to use the standard petition forms. *Id.* Chaparosa responded by submitting a similarly unintelligible petition, refusing to use the standard forms. (Dkt. # 5). Judge Lynch granted Chaparosa's motion to proceed *in forma pauperis* and issued his Findings and Recommendation on August 9, 2011. He recommended that Chaparosa's petition be dismissed and a certificate of appealability be denied.

Chaparosa timely objected to Judge Lynch's Findings and Recommendation on August 29, 2011. (Dkt # 7). He is therefore entitled to de novo review of the specified findings or recommendations to which he objects. 28 U.S.C. § 636(b)(1). The portions of the Findings and Recommendation not specifically objected to will be reviewed for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

Despite Chaparosa's objections, the Court agrees with Judge Lynch's analysis and conclusions. As with his previous two petitions, Chaparosa's objections are entirely incomprehensible. He has made no showing—in either his petitions or his objections—that he is eligible for a writ of habeas corpus or that he has been deprived of a constitutional right. 28 U.S.C. §§ 2253(c)(2), 2254–2255.


In accordance with the foregoing,

IT IS HEREBY ORDERED that the Findings and Recommendation (dkt # 6) is adopted in full;

IT IS FURTHER ORDERED that Chaparosa's petition is DISMISSED. The Clerk of Court is directed to enter by separate document a judgment of dismissal.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

Dated this 7th day of September, 2011.



Donald W. Molloy, District Judge
United States District Court
