

NOV 0 1 2011 PATRICK E. DUFFY, CLERK

By______ DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

JOHN REGINALD REED,)	CV 11-102-M-DWM-JCL
PATRICIA ANN REED, and)	
CHARLES ADAM FIECHTNER, SR.,)	
)	
Plaintiffs,)	
)	
VS.)	ORDER
)	
MISSOULA HOUSING AUTHORITY)	
EMPLOYEES: JOHN ELLISON,)	
AMELIA LYON, and MARY MELTON,)	
)	
Defendants.)	
)	

Plaintiffs John Reginald Reed and Charles Adam Fiechtner, Sr. have failed

to comply with the Orders in this case dated August 31 and September 20, 2011.

United States Magistrate Judge Jeremiah C. Lynch entered Findings and

Recommendation on October 5, 2011 and recommended dismissing this case as to

John Reed and Charles Fiechtner, Sr. Plaintiffs John Reed and Charles Fiechtner, Sr. did not timely object to the Findings and Recommendation, and so have 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. <u>McDonnell</u> <u>Douglas Corp. v. Commodore Bus. Mach., Inc.</u>, 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).

Plaintiff Patricia Reed filed a Motion to Proceed In Forma Pauperis under authority of 28 U.S.C. § 1915(a)(1), and lodged a Complaint on behalf of all three Plaintiff. Plaintiffs John Reed and Charles Fiechtner, Sr. never filed a motion to proceed in forma pauperis or a filing fee as directed by Orders dated August 31, 2011, and September 20, 2011. Judge Lynch found in the interest of judicial economy that the Court's time is better spent on cases in which the litigants are compliant. However, to allow for the potential of a future disposition of this case on its merits, he did not recommend dismissal as an adjudication of the merits of the claims of John Reed and Fiechtner. 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

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Recommendation (dkt #7) are adopted in full. This case is DISMISSED

WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 41(b) as to Plaintiffs John

Reginald Reed and Charles Adam Fiechtner, Sr. only.

Dated this ______day of November, 2011.

Donald W. Molloy, District Judge United States District Court