

FILED

NOV 21 2012

**Clerk, U.S. District Court
District Of Montana
Missoula**

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

ANNAMARIE LAST NAME)	CV 12-164-M-DLC-JCL
UNCERTAIN,)	
a/k/a Annamarie Riethmiller,)	
et al.,)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
ELECTORS FOR)	
THE STATE OF MONTANA,)	
)	
Defendants.)	
_____)	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation on October 17, 2012, and recommended denying Plaintiff's request to proceed in forma pauperis and dismissing this action. 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.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch found Plaintiff’s pleading is fanciful and frivolous. He stated that she presents no plausible underlying factual basis for her conclusory factual assertions, and her allegations appear to be based only on her perception of events which have occurred in her life. He also notes multiple filings by Plaintiff of similar, if not identical, litigation across the country. 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 (doc. 5) are adopted in full. Plaintiff’s motion for leave to proceed in forma pauperis (doc. 1) is DENIED. This matter is DISMISSED.

DATED this 21st day of November 2012.



Dana L. Christensen, District Judge
United States District Court