

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

FILED

APR 14 2014

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

BILLY BUDD SULLIVAN,

Plaintiff,

vs.

TOWN OF DERRY, PUBLIC WORKS
DEPT.,

Defendant.

CV 14-33-M-DWM-JCL

ORDER

Plaintiff Billy Budd Sullivan is proceeding pro se and in forma pauperis. Sullivan submitted a document to the Court he titled as "APPEAL," in which he stated he would like to appeal his "case [. . .] that is in the New Hampshire Supreme Court[.]" (Doc. 1 at 1.) Magistrate Judge Jeremiah Lynch recommends this action be dismissed for lack of jurisdiction. (Doc. 4.)

Sullivan has not filed objections to Judge Lynch's Findings and Recommendation. The Court reviews the findings and recommendations that are not specifically objected to 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).

The Court finds no clear error with Judge Lynch’s determination that this case is barred by either the *Rooker-Feldman* doctrine, *see Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983); *Carmona v. Carmona*, 603 F.3d 1041, 1050 (9th Cir. 2010) (stating that the *Rooker-Feldman* doctrine “stands for the relatively straightforward principle that federal district courts do not have jurisdiction to hear de facto appeals from state court judgments.”), or if the matter before the New Hampshire Supreme Court is still ongoing, the *Younger* doctrine, *Younger v. Harris*, 401 U.S. 37, 43-45 (1971).

Accordingly, IT IS ORDERED that the Findings and Recommendation (Doc. 4) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that this action is DISMISSED for lack of jurisdiction.

Dated this 14th day of April, 2014.



Donald W. Molloy, District Judge
United States District Court