

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

FILED

OCT 31 2014

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

DEANNA KAY SIMON,

Plaintiff,

vs.

THE STATE OF MONTANA,
JOSHUA M. SIMON, MATT
MCKITTRICK, and CASCADE
COUNTY JAIL,

Defendants.

CV 14-237-M-DLC

ORDER

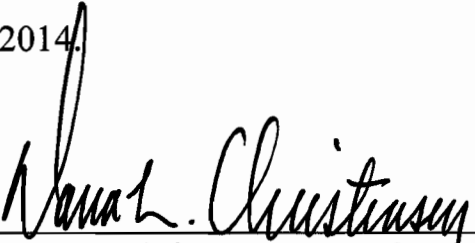
United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation on October 21, 2014, recommending that Plaintiff Simon's motion to proceed in forma pauperis be denied because she failed to provide a copy of her prison account statement as required by 28 U.S.C. § 1915(a)(2). Simon is not entitled to a ten-day period to object. *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam).

It was unclear whether Simon's Complaint and motion to proceed in forma pauperis in this case was intended to be a new civil case or if she wanted the documents to be filed in her habeas case, Civil Action No. 14-CV-67-GF-BMM. Judge Lynch required Simon to clarify her intent on or before October 17, 2014.

Simon notified the Court on October 22, 2014 that she intended her Complaint (Doc. 2) and motion to proceed in forma pauperis (Doc. 1) to be filed in her ongoing habeas case.

IT IS ORDERED that Judge Lynch's Findings and Recommendation (Doc. 4) are ADOPTED and Simon's motion to proceed in forma pauperis (Doc. 1) is DENIED AS MOOT. This case is CLOSED.

Dated this 31st day of October, 2014.



Dana L. Christensen, Chief Judge
United States District Court