

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

**FILED**

FEB 11 2016

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

MICHAEL DEAN ELLSWORTH, II,

Plaintiff,

vs.

CONSOLIDATED CITY-COUNTY  
GOVERNMENT OF MISSOULA,  
MONTANA; and UNITED STATES,

Defendants.

CV 16-08-M-DLC-JCL

ORDER

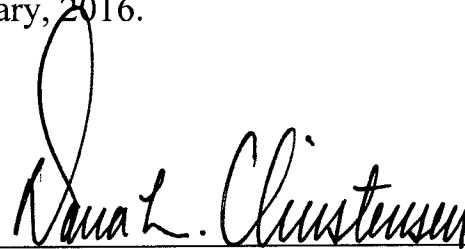
United States Magistrate Judge Jeremiah C. Lynch entered findings and recommendations in this case on February 8, 2016, recommending denial of Plaintiff Michael Dean Ellsworth's ("Ellsworth") motion to proceed *in forma pauperis* and dismissal of his case without prejudice. Ellsworth is not entitled to file written objections to Judge Lynch's recommendations pursuant to 28 U.S.C. § 636(b). *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) ("[the plaintiff] was not entitled to file written objections to the magistrate judge's recommendation that [his] application to proceed *in forma pauperis* be denied") (per curiam). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v.*

*Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). 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) (citations omitted).

Having reviewed the findings and recommendations, the Court finds no clear error in Judge Lynch’s conclusion that, because Ellsworth may not remove his own state court actions to federal court, the Court lacks jurisdiction.

Accordingly, IT IS ORDERED that Judge Lynch’s findings and recommendations (Doc. 9) are ADOPTED IN FULL. Ellsworth’s motion to proceed *in forma pauperis* (Doc. 1) is DENIED, and this case is DISMISSED WITHOUT PREJUDICE.

DATED this 10<sup>th</sup> day of February, 2016.



---

Dana L. Christensen, Chief Judge  
United States District Court