

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

**FILED**  
**DEC 11 2017**  
Clerk, U.S. Courts  
District Of Montana  
Missoula Division

JOHN HARTSOE,

Plaintiff,

vs.

STATE OF MONTANA, et al.,

Defendants.

CV 16-87-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations in this case on November 28, 2017, recommending that Defendant Donna Heisel's ("Heisel") Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. 100) be granted and Plaintiff John Hartsoe's ("Hartsoe") claims against Heisel be dismissed. (Doc. 112 at 9.) Pursuant to Judge Lynch's expedited objection schedule, Hartsoe filed his Objection on December 8, 2017. (Doc. 119.) Consequently, Hartsoe is entitled to a de novo review of those findings and recommendations to which he specifically objects. 28 U.S.C. § 636(b)(1)(C). 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).

Judge Lynch concluded, and this Court agrees, that Hartsoe’s nominal federal claims are facially devoid of any grounds over which this Court could exercise jurisdiction and should be dismissed. (Doc. 112 at 5–7.) Consequently, the Court will decline to exercise supplemental jurisdiction over Hartsoe’s state law claims against Heisel. (*Id.* at 7–8.) Hartsoe’s characteristically ranting objection fails to present any new evidence or law supporting subject matter jurisdiction, despite his superficial yet vehement claims to the contrary. (Doc. 119 at 1–3.) Hartsoe’s unsupported and meritless arguments fail to reference Judge Lynch’s Findings and Recommendations, which aptly determined the nonexistence of any basis for subject matter jurisdiction. Having failed to specifically object to any of Judge Lynch’s Finding and Recommendations, this Court reviews the record for clear error. L.R. 72.3(a); *see also McDonnell Douglas Corp.*, 656 F.2d at 1313. Finding none,

IT IS ORDERED that Judge Lynch’s Findings and Recommendations (Doc. 112) are ADOPTED IN FULL. Heisel’s Motion to Dismiss for Lack of Subject

Matter Jurisdiction (Doc. 100) is GRANTED. Hartsoe's federal claims are DISMISSED for lack of subject matter jurisdiction and the Court declines to exercise supplemental jurisdiction over Hartsoe's state law claims.

IT IS FURTHER ORDERED that all pending deadlines, as well as the Final Pretrial Conference, and Jury Trial are VACATED.

IT IS FURTHER ORDERED that the Clerk of Court is directed to close this case and enter judgment in favor of the Defendants and against Plaintiff in this case.

DATED this 11<sup>th</sup> day of December, 2017.



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Dana L. Christensen, Chief Judge  
United States District Court