

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

FILED
MAY 07 2018

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

TANYA GERSH,

Plaintiff,

vs.

ANDREW ANGLIN,

Defendant.

CV 17-50-M-DLC-JCL

ORDER


United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations in this case on March 21, 2018, recommending that Defendant Andrew Anglin's ("Anglin") Motion to Dismiss be denied to the extent it seeks dismissal for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) and for lack of personal jurisdiction based on insufficient service of process pursuant to Rule 12(b)(5). Anglin failed to timely object to the findings and recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

After reviewing the record and finding no clear error, the Court agrees with Judge Lynch that Anglin's Motion to Dismiss shall be denied pursuant to Rule

12(b)(1) and Rule 12(b)(5).

Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 75) are ADOPTED IN FULL.

DATED this 7th day of May, 2018.



Dana L. Christensen, Chief Judge
United States District Court