

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

FILED
JUN 21 2017
Clerk, U.S. District Court
District Of Montana
Missoula

JOSEPH PORTER,

Plaintiff,

vs.

MISSOULA POLICE DEPARTMENT,

Defendant.

CV 17-73-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Order, Findings and Recommendations on May 31, 2017, recommending dismissal of Plaintiff Joseph Porter's ("Porter") pleading for lack of jurisdiction. Porter failed to timely object to the Findings and Recommendations, and so waived his right to de novo review of the record. 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). Because the parties are familiar with the facts of this case, they will not be repeated here.

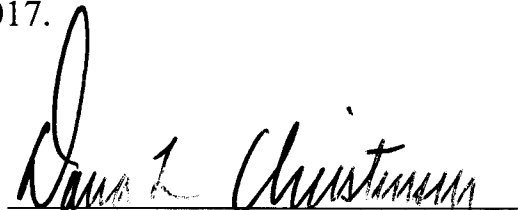
Having reviewed the Findings and Recommendations, the Court finds no clear error in Judge Lynch's conclusion that this matter should be dismissed for lack of jurisdiction. As discussed by Judge Lynch, Porter's pleading fails to alleged any facts which would establish this Court's jurisdiction over his claims, whether under diversity jurisdiction, federal question jurisdiction, or in cases where the United States is a party. *See* 28 U.S.C. §§ 1332, 1331, 1345, 1346.

Accordingly, there being no clear error in Judge Lynch's Findings and Recommendations, IT IS ORDERED that:

(1) Judge Lynch's Findings and Recommendations (Doc. 3) are ADOPTED IN FULL; and

(2) This action is DISMISSED for lack of jurisdiction.

Dated this 21st day of June, 2017.


Dana L. Christensen, Chief Judge
United States District Court