

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

FILED

JAN 31 2018

Clerk, U.S. Courts
District Of Montana
Missoula Division

CHRISTOPHER F. TAYLOR,

CV 17-91-M-DLC-JCL

Plaintiff,

ORDER

vs.

LOUANN Y. IGASKI,

Defendant.

On October 18, 2017, United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations in this case on October 18, 2017, recommending that Plaintiff Christopher F. Taylor's ("Taylor") Complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted. (Doc. 5.) Taylor timely filed an objection to the Findings and Recommendations.¹ (Doc. 6.) Thus, Taylor 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.*

¹ Taylor submitted a letter to the Court on November 24, 2017 (Doc. 6), that did not specifically object to Judge Lynch's Findings and Recommendations. However, the Court will construe Taylor's letter as an objection.

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).

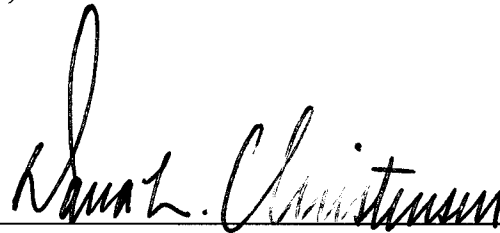
Judge Lynch concluded, and this Court agrees, that Taylor’s Complaint seeks judicial review of a Social Security Administration decision dismissing his application for disability insurance benefits or supplemental security income benefits (Doc. 4 at 4) but that Taylor’s Complaint fails to state facts essential to such a claim. (Doc. 5 at 1.) Judge Lynch allowed Taylor until September 16, 2017, to file an amended complaint stating a cognizable claim of relief and advised Taylor that failure to do so would result in a recommendation the Complaint be dismissed. (Doc. 4 at 10-11.) As of today’s date, Taylor has not filed an amended complaint or requested an extension of time.

Taylor’s objection to Judge Lynch’s Findings and Recommendations fails to present any legal argument or explanation regarding his failure to amend the Complaint. (Doc. 6.) Instead, Taylor’s objection is merely a narrative, meritless argument, and does not specifically object to Judge Lynch’s legal findings. (*Id.*) Therefore, the Court agrees with Judge Lynch’s conclusion that dismissal is appropriate because Taylor’s Complaint fails to state claim upon which relief may

be granted. Having further reviewed the Findings and Recommendations for clear error, and finding none,

IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 5) are ADOPTED IN FULL. This case is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B) for the reasons set forth in Judge Lynch's August 16, 2017 Order (Doc. 4).

DATED this 31st day of January, 2018.

A handwritten signature in cursive script, reading "Dana L. Christensen", written over a horizontal line.

Dana L. Christensen, Chief Judge
United States District Court