

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

FILED

JAN 29 2018

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

JORDAN KEEFE,

Petitioner,

vs.

MICHAEL FLETCHER, ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondent.

CV 17-136-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations in this case on December 4, 2017, recommending denial of Petitioner Jordan Keefe's ("Keefe") petition for writ of habeas corpus under 28 U.S.C. § 2254. Keefe moved for extension of time to file his objections to the findings and recommendations on December 15, 2017. (Doc. 12.) The Court granted the motion and allowed Keefe to file his objections by January 15, 2018. (Doc. 13.) Keefe filed a motion to appoint counsel on January 12, 2018, but has not filed any objections. (Doc. 14.) Thus, having failed to timely object to the findings and recommendations, he has 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).

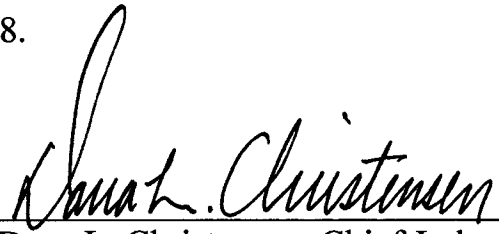
Judge Lynch found, and this Court agrees, that that this matter should be dismissed for failure to prosecute, pursuant to Fed. F. Civ. P. 41(b). Keefe was given ample time by Judge Lynch to establish why his habeas petition is not subject to the statute of limitations and is not procedurally defaulted. Keefe has not made such a showing to date.

Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 11) are ADOPTED IN FULL. Keefe's Amended Petition (Doc. 6) is DISMISSED under Fed. R. Civ. P. 41(b) for failure to prosecute.

IT IS FURTHER ORDERED that the Clerk of Court shall enter, by separate document, a judgment in favor of Respondents and against Petitioner.

IT IS FURTHER ORDERED THAT a certificate of appealability is DENIED.

DATED this 29th day of January, 2018.



Dana L. Christensen, Chief Judge
United States District Court