

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

FILED

JUN 18 2018

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

JACOB FLEMING,

Petitioner,

vs.

JAMES SALMONSON,

Respondent.

CV 18-43-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Amended Findings and Recommendations in this case on April 18, 2018, recommending dismissal of Petitioner Jacob Fleming’s (“Fleming”) petition for writ of habeas corpus under 28 U.S.C. § 2254. Fleming has failed to timely object to the findings and recommendations, and 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 this matter should be dismissed because Fleming has not filed an individual petition for habeas corpus relief as directed. Fleming is precluded from filing his request for habeas relief


en masse with other petitioners. Thus, his petition will be dismissed without prejudice.

Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 6) are ADOPTED IN FULL. Fleming's Petition (Doc. 2) is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter a judgment of dismissal.

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

DATED this 8th day of June, 2018.



Dana L. Christensen, Chief Judge
United States District Court