

FILED

FEB 08 2019

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

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

ANTHONY E. BROWN,

Plaintiff,

vs.

TECHLAW, INC.,

Defendant.

CV 18-84-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation on January 10, 2019, recommending that the Court deny Brown's motion for default judgment. (Doc. 17.) Brown 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). This Court reviews for clear error those findings and recommendations to which no party objects. *See Thomas v. Arn*, 474 U.S. 140, 149-53 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been made." *Wash. Mut., Inc. v. United States*, 856 F.3d 711, 721 (9th Cir. 2017) (citation omitted).

Having reviewed the Findings and Recommendation (Doc. 17), the Court finds no clear error in Judge Lynch's recommendation that Brown's motion be

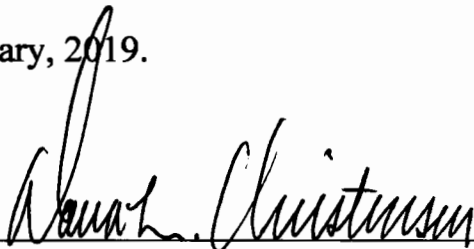
denied. Assuming that Brown's motion was a procedurally proper motion for entry of default under Federal Rule of Civil Procedure 55(a), the motion was premature.

Accordingly, IT IS ORDERED that:

(1) Judge Lynch's Findings and Recommendation (Doc. 17) is ADOPTED IN FULL; and

(2) Brown's motion for default judgment (Doc. 15) is DENIED.

DATED this 8th day of February, 2019.



Dana L. Christensen, Chief Judge
United States District Court