

No. 91-461

IN THE SUPREME COURT OF THE STATE OF MONTANA

1992

**FILED**

JAN 23 1992

ROBERT McLEAN, JR.,

Petitioner and Appellant,

-vs-

RENE' DUBAY, DIRECTOR, EDUCATION TALENT SEARCH PROJECT, MONTANA  
STATE UNIVERSITY SYSTEM,

Respondent and Respondent.

*Ed Smith*  
CLERK OF SUPREME COURT  
STATE OF MONTANA

APPEAL FROM: District Court of the Sixteenth Judicial District,  
In and for the County of Rosebud,  
The Honorable Joe L. Hegel, Judge presiding.

COUNSEL OF RECORD:

For Appellant:

Robert McLean, Pro Se, Lame Deer, Montana.

For Respondent:

LeRoy H. Schramm, Montana University System, Helena,  
Montana.

Submitted on Briefs: December 4, 1991

Decided: January 23, 1992

Filed:



Clerk

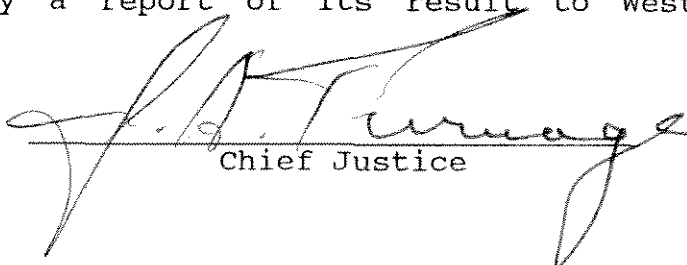
Chief Justice J. A. Turnage delivered the Opinion of the Court.

Robert McLean, Jr. (McLean) appeals a memorandum and order of the Sixteenth Judicial District, Rosebud County, which dismissed his action under Rule 2 of the Montana Uniform District Court Rules. We affirm.

The sole issue presented on appeal is whether the District Court properly dismissed McLean's action under Rule 2 of the Montana Uniform District Court Rules.

Following a review of the record, we hold that the District Court properly dismissed this action under Rule 2 of the Montana Uniform District Court Rules based on McLean's failure to timely file an answer brief to Respondent's motion to dismiss with supporting brief.

Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Operating Rules, this decision shall not be cited as precedent and shall be published by its filing as a public document with the Clerk of this Court and by a report of its result to West Publishing Company.

  
Chief Justice

We concur:

  
Karla M. Gray

  
Tom Truitt

  
William Edwards

  
Justices

January 23, 1992

CERTIFICATE OF SERVICE

I hereby certify that the following order was sent by United States mail, prepaid, to the following named:

Robert McLean  
P.O. Box 210  
Lame Deer, MT 59043

LEROY H. SCHRAMM  
Montana University System  
33 South Last Chance Gulch  
Helena, MT 59620

ED SMITH  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

BY:   
Deputy