

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

ANNAMARIE LAST NAME)	CV 12-164-M-DLC-JCL
UNCERTAIN,)	
a/k/a Annamarie Riethmiller,)	
et al.,)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
ELECTORS FOR)	
THE STATE OF MONTANA,)	
)	
Defendants.)	
_____)	

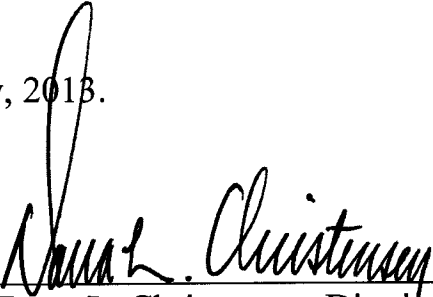
United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation on January 8, 2013, and recommended denying Plaintiff's pleading (doc. 8). Plaintiff did not timely object to the Findings and Recommendation, and so has waived the right to de novo review of the record. 28

U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). 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).

Judge Lynch construed Plaintiff’s pleading as a motion for relief under Fed. R. Civ. P. 60(b) regarding the judgment entered in this matter on November 21, 2012. He found that because the pleading seeks to effectively overturn the decision of the Supreme Court of Florida which allegedly deprived her of her rights, it is barred by *Rooker-Feldman* as a “de facto appeal.” He stated that her pleading is not subject to review by this Court. After a review of Judge Lynch’s Findings and Recommendation, I find no clear error. Accordingly,

IT IS HEREBY ORDERED that Judge Lynch’s Findings and Recommendation (doc. 9) are adopted in full. Plaintiff’s pleading (doc. 8) is DENIED.

DATED this st31 day of January, 2013.



Dana L. Christensen, District Judge
United States District Court