

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARLON DONNELL HOWARD,

Defendant.

CR 17-144-BLG-DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on April 24, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). 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 Cavan recommended this Court accept Marlon Donnell Howard’s

guilty plea after Howard appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to possession with intent to distribute oxycodone in violation of 21 U.S.C. § 841(a)(1) (Count II) of the Indictment.

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 34), and I adopt them in full.

Accordingly, IT IS ORDERED that Marlon Donnell Howard's motion to change plea (Doc. 24) is GRANTED and Marlon Donnell Howard is adjudged guilty as charged in Count II of the Indictment.

DATED this 9<sup>th</sup> day of May, 2018.



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Dana L. Christensen, Chief District Judge  
United States District Court