

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYLER DANIEL EMINETH,

Defendant.

CR 18-78-BLG-DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on August 7, 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 Tyler Daniel Emineth’s guilty

plea after Emineth appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to Count II of the Indictment, which charges the crime of production of child pornography in violation of 18 U.S.C. § 2251(a).

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 28), and I adopt them in full.

Accordingly, IT IS ORDERED that Tyler Daniel Emineth's motion to change plea (Doc. 17) is GRANTED and Tyler Daniel Emineth is adjudged guilty as charged in Count II of the Indictment.

DATED this 23rd day of August, 2018.



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