

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

DANIEL BOUDETTE,

Plaintiff,

vs.

TAMMY OSKERSON, ADAM OWENS,
GREGORY COSTANZA, GRANITE
PEAK LAW, PLLC, AND UNKNOWN
NAMED DEFENDANTS A-Z

Defendants.

CV-22-71-H-BMM-KLD

**ORDER REVISING
JUDGMENT**

Plaintiff Daniel Boudette (“Boudette”), appearing *pro se*, brought this action against Tammy Oskerson, Adam Owens, Gregory Constanza, Granite Peak Law, PLLC, and Unknown Named Defendants A-Z (collectively “Defendants”). Boudette alleged that Defendants were engaged in an ongoing Racketeer Influenced and Corrupt Organizations Act (“RICO”) scheme to take Boudette’s real property located in Townsend, Montana. Boudette sought treble damages for his monetary losses, pain, suffering, mental anguish, and expenses incurred from Defendants’ actionable conduct as determined by a jury; injunctive and declaratory relief and money damages; an award of costs of this action; and attorney’s fees. (Doc. 1 at

25.)

The Court granted Oskerson's motion to dismiss (Doc. 23) Boudette's Verified Complaint on October 28, 2022. (Doc. 34.) The Court found that it lacked subject-matter jurisdiction over Boudette's claims because the claims lacked enough substance to invoke the Court's jurisdiction. (*Id.*) The Court dismissed Boudette's Verified Complaint with prejudice pursuant to Fed. R. Civ. P. 12(b)(1). (*Id.*) The Court entered judgment dismissing the action accordingly (Doc. 35). The Ninth Circuit determined that the Court lacked jurisdiction on the ground that jurisdiction was barred under the *Rooker-Feldman* doctrine. (Doc. 42.) Dismissal under the *Rooker-Feldman* doctrine is without prejudice. (*Id.*) Accordingly, and pursuant the Ninth Circuit's Mandate to the Court (Doc. 43),

ORDER

Accordingly, **IT IS HEREBY ORDERED** that:

1. This suit is **DISMISSED without prejudice.**
2. The Clerk of Court is directed to enter a revised judgment accordingly.

DATED the 23rd day of April, 2024.



Brian Morris, Chief District Judge
United States District Court