

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

“ANTONIUS-DAMASCUS:RAELUND  
CANDACE:RAELUND, CANDI-  
LEE:WEEKS (LILES) (RAELUND),”

Plaintiff,

vs.

“ERICK M ENZ, KEELEE M. ENZ,  
LYNN C. REHM, KIM T.  
CHRISTOPHERSON,”

Defendants.

CV 17-56-M-DLC-JCL

FINDINGS AND  
RECOMMENDATION

Plaintiff Antonius-Damascus:Raelund, appearing pro se, commenced this action on May 1, 2017, by filing a document titled “Declaration & Notice: Counterclaim” – a document the Court liberally viewed as a complaint.<sup>1</sup> As previously explained in the Order entered May 3, 2017, (doc. 3), it appears Raelund is improperly attempting to use this forum to prosecute counterclaims in response to claims advanced against him in a civil action pending against him in the Montana Eleventh Judicial District Court, Flathead County – identified by Raelund as cause number DV-17-016D. But the complaint, even construed

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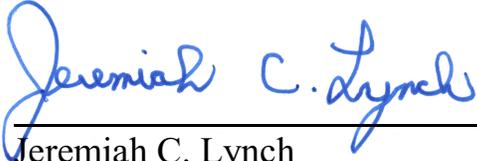
<sup>1</sup>The caption of the complaint identifies two additional individuals as “Counter Plaintiff[s]”. Neither of these individuals have appeared in the case.

liberally, fails to allege the basis of this Court's jurisdiction over the subject matter of the underlying controversy.

The Order of May 3, 2017, expressly advised Raelund that he had to file an amended complaint which alleged facts to establish this Court possesses subject matter jurisdiction over this action. The deadline for the filing of the amended complaint was May 27, 2017. Raelund failed to comply with the Court's directive, even though he was expressly advised that failure to comply with an order of the Court could result in dismissal of this action with prejudice.

In view of the fact that Raelund's complaint fails to set forth the basis of the Court's jurisdiction as required by Fed. R. Civ. P. 8(a)(1), and his failure to file an amended complaint as directed, IT IS RECOMMENDED that this action be dismissed for lack of subject matter jurisdiction.

DATED this 10<sup>th</sup> day of August, 2017.

  
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Jeremiah C. Lynch  
United States Magistrate Judge