



ORIGINAL

FILED

08/25/2022

IN THE SUPREME COURT OF THE STATE OF MONTANA

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 22-0346

DA 22-0346

MATHEW RYAN AILER,

Petitioner and Appellant,

v.

STATE OF MONTANA,

Respondent and Appellee.

FILED

AUG 25 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana
ORDER

Self-represented Appellant Mathew Ryan Ailer has filed an “Opposed Motion for the Stricken Motions, Exhibits, Evidence and Documents to be Part of the District Court Record.” The State of Montana has not filed a response.

Ailer seeks assurance that court-stricken documents are part of this record on appeal. Ailer explains that he filed several motions in the District Court during the pendency of a civil case, seeking postconviction relief. He states that the court issued an Order, denying his motions, including forty-nine motions to compel. Ailer is concerned because the District Court later issued an Order where it struck any document after the first fifty pages.

This Court received the District Court record on August 19, 2022. The court record has 500 documents filed and listed. M. R. App. P. 8(1) and 9(1). Barring that observation, this Court will not be reviewing the record prior to the completion of briefing and classification upon being sent to the Court. M. R. App. P. 19(1). Therefore,

IT IS ORDERED that Ailer’s Opposed Motion for the Stricken Motions, Exhibits, Evidence and Documents to be Part of the District Court Record is DENIED, as moot.

The Clerk is directed to provide a copy of this Order to counsel of record and to Mathew Ryan Ailer personally.

DATED this 25th day of August, 2022.

For the Court,

By 

Chief Justice