

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE: DANNY W. ALCORN, :

Petitioner. :

Case No. 3:13-cv-311

JUDGE WALTER H. RICE

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #4);
DISMISSING "PETITION FOR A RULE NISI ORDER PURSUANT TO 28
U.S.C. § 1651" (DOC. #3) WITHOUT PREJUDICE; DISMISSING CASE
WITHOUT PREJUDICE FOR WANT OF PROSECUTION; JUDGMENT
TO ENTER AGAINST PETITIONER; TERMINATION ENTRY

On October 15, 2013, United States Magistrate Judge Michael R. Merz issued a Report and Recommendations (Doc. #4), recommending that the "Petition for a Rule Nisi Order pursuant to 28 U.S.C. § 1651" (Doc. #3) be dismissed for want of prosecution, since Petitioner had failed to comply with the Court's order conditioning leave to proceed *in forma pauperis* on the submission of the required prisoner trust account statement (Doc. #2). Although Petitioner was notified of his right to file Objections to the Report and Recommendations, and of the consequences of failing to do so, no Objections have been filed within the time allotted.

Based on the reasoning and citations of authority set forth by the Magistrate Judge, in his Report and Recommendations (Doc. #4), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court ADOPTS said judicial filing in its entirety. The "Petition for a Rule Nisi Order pursuant to 28 U.S.C. § 1651" (Doc. #3), and this case, are DISMISSED WITHOUT PREJUDICE.

Judgment shall be entered against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: November 13, 2013



WALTER H. RICE
UNITED STATES DISTRICT JUDGE