

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

DEANDRE D. CURRINGTON,)
)
Plaintiff,)
)
v.)
)
MASON BYNUM, Deputy Chief,)
)
Defendant.)

CIVIL ACTION NO.
1:23cv120-MHT
(WO)

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff, an inmate, filed this lawsuit claiming that the defendant officer falsely asserted that plaintiff had committed a robbery during a year that plaintiff was actually in prison. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that plaintiff's case be dismissed without prejudice for failure to pay an initial filing fee. Also before the court are plaintiff's objections to the recommendation, in which he claims to have paid the fee.

After an independent and de novo review of the

record, the court concludes that plaintiff's objections should be overruled and the magistrate judge's recommendation adopted. While plaintiff says that he paid the initial filing fee in this case with a \$ 4.33 money order, this court has not received the money order for this case. However, plaintiff filed another case in this court that raises the very same claim as this one: *DeAndre D. Currington v. Mason Bynum, Deputy Chief*, case number 1:23cv93-RAH. The clerk's office received a \$ 4.33 payment from plaintiff in that case on March 30, 2023. Because that case is still pending in this court, plaintiff will not be prejudiced by the closing of this case. Moreover, even if plaintiff had paid the fee in this case, the court could dismiss this case because it is the same as the earlier filed case.

An appropriate judgment will be entered.

DONE, this the 5th day of June, 2023.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE