

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

MARCUS ORLANDO TATE, #180664,	)	
a/k/a MARCUS ORLANDO TAITE,	)	
a/k/a DR. EJIJAH J. MUHAMMED, II,	)	
a/k/a DREJIAH JOSHUA MUHAMMAD,	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL ACTION NO. 2:09cv221-TMH
	)	(WO)
JUDGE CHARLES PRICE, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**OPINION and ORDER**

This litigation is now before the court on the recommendation of the United States Magistrate Judge entered on March 25, 2009 (doc. # 3), that this case be dismissed without prejudice for the petitioner's failure to pay the full filing fee upon the initiation of this case. After a review of the recommendation, to which no timely objections have been filed, and after an independent review of the entire record, the court believes that the recommendation should be adopted. Accordingly, it is

ORDERED and ADJUDGED as follows:

1. That the Recommendation of the Magistrate Judge be and is hereby ADOPTED.
2. That, to the extent Tate seeks mandamus relief, the petition for writ of mandamus be and is hereby DISMISSED for lack of jurisdiction.

3. That this case, with respect to the claims challenging the constitutionality of Tate's arrest, be and is hereby DISMISSED without prejudice for his failure to pay the requisite filing fee upon the initiation of this case as required by the directives of 28 U.S.C. § 1915(g).

An appropriate judgment will be entered.

Done this the 16th day of April 2009.

/s/ Truman M. Hobbs

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TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE