

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

JOE WILLIE REESE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:09-CV-277-TMH
)	[WO]
)	
D. T. MARSHALL, et al.,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

This case is before the court on a 42 U.S.C. § 1983 complaint filed by Joe Willie Reese ["Reese"], a county inmate, in which he challenges conditions of confinement at the Montgomery County Detention Facility. At the time he filed this complaint, Reese did not pay the requisite \$350.00 filing fee nor did he submit an affidavit in support of a motion for leave to proceed *in forma pauperis*. Thus, the court did not have the information necessary to determine whether Reese should be allowed to proceed *in forma pauperis* in this case and therefore entered an order requiring that Reese provide the court with such information. *Order of April 7, 2009 - Court Doc. No. 2* at 1-2. The court specifically cautioned Reese that his failure to comply with the directives of this order would result in a recommendation that this case be dismissed. *Id.* at 2. Reese has filed nothing in response to the April 7, 2009 order. The court therefore concludes that this case is due to be dismissed for such failure.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for Reese's failure to provide the court with necessary

financial information in compliance with the orders of this court. It is further

ORDERED that **on or before June 4, 2009** the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation objected to. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a de novo determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); *Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982); *Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*) (adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981).

Done this 22nd day of May, 2009.

/s/Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE