

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

SOLOMON LADANIEL HENDERSON,)
AIS #250233,)

Plaintiff,)

v.)

CIVIL ACTION NO. 2:09-CV-374-WHA
[WO]

BOB RILEY, et al.,)

Defendants.)

RECOMMENDATION OF THE MAGISTRATE JUDGE

This case is before the court on a 42 U.S.C. § 1983 complaint filed by Solomon LaDaniel Henderson ["Henderson"], a state inmate, in which he challenges actions taken against him during his confinement at the Bullock County Correctional Facility. At the time of filing the complaint, Henderson 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 Henderson should be allowed to proceed *in forma pauperis* in this case and therefore entered an order requiring that Henderson provide the court with such information. *Order of April 27, 2009 - Court Doc. No. 2* at 1-2. The court specifically cautioned Henderson that his failure to comply with the directives of this order would result in a recommendation that this case be dismissed. *Id.* at 2. Henderson has filed nothing in response to the April 27, 2009 order. The court therefore concludes that this case is due to be dismissed.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case

be dismissed without prejudice for Henderson'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 September 20, 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 8th day of September, 2009.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE