

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

DALLAS LEVON SIMMONS, #180081,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:09cv1069-ID
	)	[WO]
	)	
DAVID HOLMES,	)	
	)	
Defendant.	)	

**ORDER**

On December 18, 2009, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 4). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that this case be and is hereby DISMISSED without prejudice for the Plaintiff's failure to either request leave to proceed *in forma pauperis* or pay the requisite filing fee upon the initiation of this case.

Done this the 14<sup>th</sup> day of January, 2010.

/s/ Ira DeMent  
SENIOR UNITED STATES DISTRICT JUDGE