

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

|                               |   |                                |
|-------------------------------|---|--------------------------------|
| ALEXANDER BRINSON, #131 165,  | ) |                                |
|                               | ) |                                |
| Plaintiff,                    | ) |                                |
|                               | ) |                                |
| v.                            | ) | CIVIL ACTION NO. 2:13cv546-WHA |
|                               | ) |                                |
| MONTGOMERY POLICE DEPARTMENT, | ) |                                |
| et al.,                       | ) | (WO)                           |
|                               | ) |                                |
| Defendants.                   | ) |                                |

**ORDER**

This case is before the court on the Order and Recommendation of the Magistrate Judge (Doc. #16), entered on August 19, 2013, and the Plaintiff’s Objection (Doc. #24), filed on September 11, 2013.

For the reasons stated in the Recommendation, the court finds that the order denying the Plaintiff’s Motion to Proceed *In Forma Pauperis* is neither clearly erroneous nor contrary to law. See 28 U.S.C. § 636 (b)(1)(A). Therefore, the objection to the order is OVERRULED.

After an independent evaluation and *de novo* review of the file in this case, the court agrees with the Recommendation of the Magistrate Judge that this case should be dismissed without prejudice for Plaintiff’s failure to pay the full filing fee upon the initiation of the case. Therefore, the objection to the Recommendation is OVERRULED, the Recommendation of the Magistrate Judge is ADOPTED, and it is hereby

ORDERED that this case is DISMISSED without prejudice for Plaintiff’s failure to pay the full filing fee upon initiation of this case.

DONE this 28th day of October, 2013.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE