

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

WOODBURCK NOE, #AIS 148475,)	
)	
Petitioner,)	
)	
vs.)	CASE NO. 2:13cv-644-WHA
)	
CYNTHIA D. STEWART, et al.,)	(WO)
)	
Respondents.)	

ORDER

On December 11, 2013, the Magistrate Judge entered a Recommendation (Doc. #8), to which the Petitioner filed an Objection (Doc. #9) on December 18, 2013. By order entered on December 24, 2013 (Doc. #10), the Magistrate Judge withdrew that Recommendation and, accordingly, it is hereby

ORDERED that Petitioner’s Objection to the Recommendation of December 11, 2013, is OVERRULED as moot.

This case is now before the court on the Order and Recommendation of the Magistrate Judge (Doc. #10), entered on December 24, 2013, and the Petitioner’s Objection thereto (Doc. #11), filed on January 8, 2014.

As to the Petitioner’s objection to the Magistrate Judge’s order denying the Petitioner’s leave to proceed *in forma pauperis*, the court finds the order to be neither clearly erroneous nor contrary to law. Therefore, pursuant to the provisions of Rule 72(a), *Fed.R.Civ.P.*, it is ORDERED that that objection is OVERRULED.

And now having conducted an independent evaluation and *de novo* review of the file in this case, the court finds the objection to the Magistrate Judge's Recommendation that this case be dismissed without prejudice due to the Petitioner's failure to pay the requisite \$350 filing fee upon the initiation of this cause of action, to be without merit, and it is hereby OVERRULED.

The court ADOPTS the Recommendation of the Magistrate Judge, and it is hereby

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

DONE this 9th day of January, 2014.

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