

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

DAVID LAMAR JOHNSON, #255052, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
KIM TOBIAS THOMAS, *et al.*, )  
 )  
Respondents. )

CASE NO. 2:13-CV-710-TMH  
[WO]

**ORDER**

The Magistrate Judge entered a Recommendation (Doc. 48) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the court finds that the Recommendation should be adopted. Accordingly, it is

ORDERED that the Recommendation of the Magistrate Judge is hereby ADOPTED; the motion for leave to proceed *in forma pauperis* is DENIED; and the case is DISMISSED without prejudice for Plaintiff's failure to pay the full filing fee upon the initiation of this case.

A separate judgment shall issue.

Done this 11th day of April, 2014.

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