

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

WOODBURCK NOE, # 148475,	)	
	)	
Petitioner,	)	
	)	
v.	)	CASE NO. 3:14-CV-1233-WKW
	)	[WO]
ALABAMA SUPREME COURT,	)	
	)	
Respondent.	)	

**ORDER**

On February 9, 2015, the Magistrate Judge filed a Recommendation that Petitioner’s motion for leave to proceed *in forma pauperis* be denied and his case be dismissed without prejudice for failure to pay the requisite filing fee. (Doc. # 3.) On February 23, 2015, Petitioner Woodbruck Noe filed an Objection. (Doc. # 4.) The court has conducted an independent and *de novo* review of those portions of the Recommendation to which objection is made. *See* 28 U.S.C. § 636(b).

In his objection, Mr. Noe argues that the interest of justice necessitates that a favorable judgment be entered on his behalf to preserve his First, Fifth, Eighth, and Fourteenth Amendment rights. Mr. Noe’s Objection is due to be overruled because he fails to address the Magistrate Judge’s findings regarding his prior civil law suits and the application of 28 U.S.C. § 1915(g)’s three-strike provision to his motion for leave to proceed *in forma pauperis*.

Accordingly, it is ORDERED as follows:

1. Mr. Noe's Objection (Doc. # 4) is OVERRULED.
2. The Recommendation (Doc. # 3) is ADOPTED.
3. Mr. Noe's motion to proceed *in forma pauperis* (Doc. # 2) is DENIED,

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

An appropriate final judgment will be entered separately.

DONE this 26th day of February, 2015.

/s/ W. Keith Watkins

CHIEF UNITED STATES DISTRICT JUDGE