

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

|  |   |                               |
|--|---|-------------------------------|
| KENDALL R. RUCKER,                       | ) |                               |
|  | ) |                               |
| Plaintiff,                               | ) |                               |
|  | ) |                               |
| v.                                       | ) | Case No. 5:20-cv-1745-KOB-GMB |
|  | ) |                               |
| CRP SWEET, Shift Leader, <i>et al.</i> , | ) |                               |
|  | ) |                               |
| Defendants.                              | ) |                               |

**ORDER OF DISMISSAL**


On December 1, 2020, the Magistrate Judge entered an order granting the plaintiff's motion to proceed *in forma pauperis*, ordering the plaintiff to pay an initial partial filing fee of \$29.98, and directing the plaintiff to return a signed Prisoner Consent Form to the court within 30 days. (Doc. 5). The Order advised the plaintiff that the failure to comply could result in the dismissal of this action. (Doc. 5 at 2).

When the plaintiff failed to comply with or otherwise respond to that Order within the allotted time, the Magistrate Judge entered a report and recommendation on January 19, 2021, recommending this action be dismissed due to the plaintiff's failure to prosecute. (Doc. 6). The Magistrate Judge advised the plaintiff of his right to file objections to the report and recommendation within 14 days. (Doc. 6 at 1–2). That time has expired, and the plaintiff has failed to file objections or otherwise respond to the report and recommendation.

Accordingly, the court ADOPTS the Magistrate Judge's report and ACCEPTS his recommendation. The court DISMISSES this action WITHOUT PREJUDICE due to the plaintiff's failure to prosecute.

For information regarding the cost of appeal, see the attached notice.

**DONE** and **ORDERED** this 18th day of February, 2021.

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**KARON OWEN BOWDRE**  
UNITED STATES DISTRICT JUDGE

**United States Court of Appeals**

Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

In Replying Give Number  
of Case and Names of Parties

**NOTICE TO PRISONERS CONCERNING CIVIL APPEALS**

The Prison Litigation Reform Act of 1995 (effective April 26, 1996) **REQUIRES** that all prisoners pay the Court's \$500.00 docket fee plus \$5.00 filing fee (for a total of \$505.00) when appealing any civil judgment.

If you wish to appeal in a civil case that Act **requires** that upon filing a notice of appeal you *either*:

- (1) Pay the total \$505.00 fee to the clerk of the district court from which this case arose; *or*
- (2) arrange to have a prison official certify to the district court from which the appeal arose the average monthly deposits and balances in your prison account for each of the six months preceding the filing of a notice of appeal.

If you proceed with option (2) above, the Act requires that the district court order you to pay an *initial partial fee* of at least 20% of the **greater** of either the average monthly deposits or of the average monthly balances shown in your prison account. The remainder of the total \$505.00 fee will thereafter be deducted from your prison account each month that your account balance exceeds \$10.00. Each such monthly deduction shall equal 20% of all deposits to your prison account during the previous month, until the total \$505.00 fee is paid. (If your prison account statement shows that you cannot pay even the required *initial partial fee*, your appeal may nevertheless proceed, **BUT THE TOTAL \$505.00 FEE WILL BE ASSESSED AGAINST AND WILL BE DEDUCTED FROM FUTURE DEPOSITS TO YOUR PRISON ACCOUNT.**)

Fees are not refundable, regardless of outcome, and deductions from your prison account will continue until the total \$505.00 fee is collected, even if an appeal is unsuccessful.

David J. Smith  
Clerk of Court

PLRA Notice