

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**WENDY WILLIAMS,** :  
 :  
 **Plaintiff,** :  
 :  
 vs. : **CIVIL ACTION 09-0276-CB-C**  
 :  
 **AEROSPACE,** :  
 :  
 **Defendant.** :

**ORDER**

On June 11, 2009 the Magistrate Judge entered an order allowing Plaintiff Wendy Williams, an inmate in the Mobile County Jail, to proceed in this action in forma pauperis and without the payment of a partial filing fee. (Doc. 5.) The Order also directed the Clerk of Court to withhold service pending further review. On July 13, 2009, the Magistrate Judge entered a Report and Recommendation that this action be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted. In addition, as required by 28 U.S.C. § 1915(b)(1) and (2), the Magistrate Judge entered an order directing that monies be withheld from Plaintiff's jail or prison account and remitted to the Court until the filing fee is paid in full.

Plaintiff has filed a letter in which she apologizes for her failure to pay the filing fee and seeks additional time to do so. She does not address the Magistrate Judge's

conclusion that her complaint fails to state a claim. Since Plaintiff was not required to pay a filing fee, her objection or request for additional time on that basis has no bearing on the dismissal of this action. Moreover, the payment of the filing fee is required by statute and requires no action on Plaintiff's part.

Insofar as the dismissal of this action is concerned, the Court has conducted a *de novo* review of the Report and Recommendation of the Magistrate Judge, and pursuant to 28 U.S.C. § 636(b)(1)(B) hereby **ADOPTS** it as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED** with prejudice, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

The Clerk is **DIRECTED** to send to the Mobile County Sheriff a copy of the Report and Recommendation recommending the dismissal of this action, this Order adopting the Report and Recommendation, and the Judgment dismissing this action.

**DONE** and **ORDERED** this 17<sup>th</sup> day of August, 2009.

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*s/Charles R. Butler, Jr.* \_\_\_\_\_  
**Senior United States District Judge**