

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

MICHELE GILLION; *et al.*

PLAINTIFFS

v.

1:17CV00033-JM

NANCY WEAVER, CEO; *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe on July 10, 2017. Magistrate Volpe recommended that Plaintiff Hoard's claims be dismissed without prejudice for failing to comply with his order to submit either (1) the statutory filing fee of \$400.00 or (2) a properly completed Application to Proceed Without Prepayment of Fees and Affidavit, with the required calculation sheet prepared and signed by an authorized official of the detention center at which he is confined, within thirty (30) days. (Doc. No. 5) Despite having been granted an extension of time (Doc. 10), Plaintiff Hoard failed to comply with this order by the deadline.¹ After carefully considering the objections and making a *de novo* review of the record, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff Hoard's claims are DISMISSED without prejudice for failure to pay the filing fee or file an Application to Proceed Without Prepayment of Fees and Affidavit.
2. Plaintiff Gillion's claims are DISMISSED without prejudice for failure to state a

¹ Plaintiff Hoard did file an untimely motion for leave to proceed *in forma pauperis* on the same day that the Proposed Findings and Recommendations was filed; however, the required calculation sheet was not included and has yet to be submitted.

claim upon which relief may be granted.

3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order adopting the recommendations would not be taken in good faith.

DATED this 28th day of July, 2017.



JAMES M. MOODY, JR.
UNITED STATES DISTRICT JUDGE