

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

MISTY MARTIN,  
ADC #712125

PLAINTIFF

V.

1:17CV00088 KGB/JTR

WENDY KELLEY, Director,  
Arkansas Department of Correction, et al.

DEFENDANTS

**RECOMMENDED DISPOSITION**

The following Recommended Disposition (“Recommendation”) has been sent to United States District Judge Kristine G. Baker. Any party may file written objections to this Recommendation. Objections must be specific and include the factual or legal basis for disagreeing with the Recommendation. An objection to a factual finding must specifically identify the finding of fact believed to be wrong and describe the evidence that supports that belief.

An original and one copy of the objections must be received by the Clerk of this Court within fourteen (14) days of this Recommendation. If no objections are filed, Judge Baker can adopt this Recommendation without independently reviewing all of the evidence in the record. By not objecting, you may also waive any right to appeal questions of fact.

## I. Discussion

Plaintiff Misty Martin ("Martin") is a prisoner in the McPherson Unit of Arkansas Department of Correction. On October 10, 2017, Martin filed a Complaint alleging that Defendants violated her constitutional rights. *Doc. 1*. However, Martin did not pay the \$350 filing fee or file an Application to Proceed *In Forma Pauperis*.

Accordingly, on October 20, 2017, the Court ordered Martin to either pay the filing fee in full or to file an Application to Proceed *In Forma Pauperis*. *Doc. 2*. Importantly, the Court warned Martin that this case would be dismissed, without prejudice, if she failed to do so within thirty days. *Id.* (citing Local Rule 5.5(c)(2)).

As of the date of this Recommendation, Martin has not complied with the October 20, 2017 Order, and the time to do so has expired.

## II. Conclusion

IT IS THEREFORE RECOMMENDED THAT:

1. Martin's Complaint (*Doc. 1*) be DISMISSED, WITHOUT PREJUDICE, due to a lack of prosecution.
2. The Court CERTIFY, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any Order adopting this Recommendation would not be taken in good faith.

Dated this 29<sup>th</sup> day of November, 2017.

A handwritten signature in black ink that reads "J. Thomas Ray". The signature is written in a cursive style with a prominent initial "J" and a stylized "Ray" at the end.

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UNITED STATES MAGISTRATE JUDGE