

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

DAMIAN KIRBY
Reg.# 04620-061

PLAINTIFF

v.

No. 2:12-cv-162-DPM

T.C. OUTLAW, Warden, FCI-Forrest City et al.

DEFENDANTS

ORDER

Kirby has not objected to Magistrate Judge H. David Young's recommendation, *Document No. 8*, that the Court dismiss Kirby's complaint for failure to submit an amended complaint as ordered. Neither has Kirby submitted the amended complaint. It is unclear from the docket whether Kirby received Judge Young's Order granting his request for more time to comply. But Kirby's address-change notice, *Document No. 7*, confirms that he received the Order setting the deadline; and in the more than 90 days since his last filing he has not submitted an amended complaint.

On review for clear errors of fact on the face of the record, FED. R. CIV. P. 72(b) (1983 addition to Advisory Committee Notes), and for legal error, the Court adopts Judge Young's proposal in full. Kirby's complaint is dismissed without prejudice. An *in forma pauperis* appeal from this order would not be in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

8 January 2013