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

MATTHEW CUNNINGHAM **PLAINTIFF**
ADC #164672

v. **Case No. 4:17-cv-00411-KGB/JTK**

TIM RYALS, *et al.* **DEFENDANTS**

ORDER

On June 29, 2017, United States Magistrate Judge Jerome T. Kearney denied without prejudice plaintiff Matthew Cunningham's motion for leave to proceed *in forma pauperis* because Mr. Cunningham "did not sign the *in forma pauperis* Motion, and the filing fee calculation sheet was not completed/signed by an authorized official of the Jail" (Dkt. No. 3, at 1). Judge Kearney directed Mr. Cunningham to "submit either the $400 statutory filing fee or a completed *in forma pauperis* application, with the required calculation sheet signed by an authorized official of the prison, within thirty (30) days" (*Id.*, at 2). Judge Kearney informed Mr. Cunningham that Local Rule 5.5 provides that "[i]f any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice" (*Id.*).

The Court has received Proposed Findings and Recommendations submitted by Judge Kearney (Dkt. No. 4). Judge Kearney recommends that the Court dismiss without prejudice Mr. Cunningham's complaint pursuant to Local Rule 5.5 (*Id.*, at 3). The parties have not filed objections to the Proposed Findings and Recommendations. Mr. Cunningham has filed a renewed motion for leave to proceed *in forma pauperis*, but his motion is deficient as the filing fee calculation sheet was not completed and signed by an authorized official of the Jail (Dkt. No. 7, at 3-4).

After careful review of the Proposed Findings and Recommendations, the Court concludes that the Proposed Findings and Recommendations should be, and hereby are, approved and adopted as this Court's findings in all respects (Dkt. No. 4). This action is dismissed without prejudice.[1] All pending motions are denied as moot. It is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal would not be taken in good faith.

So ordered this the 31st day of August, 2017.

Kristine G. Baker
United States District Court Judge

[1] The Court notes that, based on a dismissal without prejudice, Mr. Cunningham may refile this action, but he will be required upon refiling either to submit prepayment of the $400.00 filing fee and costs or to submit a properly completed *in forma pauperis* motion which is then granted by the Court before being permitted to proceed with this action.