

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

THELMA WILLIAMS, JR.

PLAINTIFF

V.

No. 5:09CV00144 SWW-BD

D. WHITE, et al.

DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections:

The following Recommended Disposition has been sent to United States District Judge Susan Webber Wright. Any party may file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If an objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than eleven (11) days from the date you receive the Recommended Disposition. A copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

Mail your objections and "Statement of Necessity" to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325


II. Background:

Plaintiff, Thelma Williams, Jr., an inmate previously confined in the Arkansas Department of Correction, filed this action on May 19, 2009, under 42 U.S.C. § 1983, alleging violations of his civil and constitutional rights (docket entry #2). On May 20, 2009, this Court denied Plaintiff's Motion for Leave to Proceed *in Forma Pauperis* (#1) because he had three prior "strikes" under 28 U.S.C. § 1915(g) and failed to pay the required filing fee (#4). Plaintiff was ordered to pay the \$350.00 statutory filing fee within thirty (30) days of the entry of the Order if he wished to proceed with this lawsuit. Plaintiff was warned that failure to comply with the Order would result in dismissal of his lawsuit without prejudice. Plaintiff has failed to comply with the Order (#4), and the time for doing so has passed.

III. Conclusion:

Accordingly, the Court recommends that Plaintiff's Complaint be DISMISSED WITHOUT PREJUDICE.

DATED this 23rd day of June, 2009.



UNITED STATES MAGISTRATE JUDGE