

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

**EDDIE BRILEY
ADC #116921**

PLAINTIFF

v.

Case No. 5:13CV00168 KGB

ERNESTINE MURRAY *et al.*

DEFENDANTS

ORDER

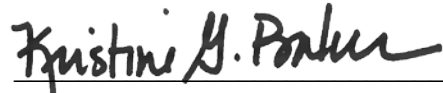
On July 24, 2013, United States Magistrate Judge H. David Young submitted his Proposed Findings and Recommended Disposition (Dkt. No. 3). On July 24, 2013, the Proposed Findings and Recommended Disposition were mailed to Eddie Briley at his address of record. On July 31, 2013, the mail was returned as undeliverable; Mr. Briley had been released on parole (Dkt. No. 4). To date, Mr. Briley has not responded to the Court's June 6, 2013, order directing him to pay the \$400.00 filing and administrative fees or to file a fully completed application for leave to proceed *in forma pauperis* (Dkt. No. 2). Because Mr. Briley failed to comply with the Court's order and failed to provide the Court with his current address, the Court is now prepared to rule on the Proposed Findings and Recommended Disposition.

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young. After careful consideration, 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's complaint is dismissed without prejudice for failure to pay the filing and administrative fees, failure to comply with Local Rule 5.5(c)(2), and failure to respond to the Court's order.
2. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

IT IS SO ORDERED this 20th day of August, 2013.

A handwritten signature in black ink, reading "Kristine G. Baker", written over a horizontal line.

KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE