

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

DONALD FEARS

PETITIONER

v.

Case No. 11-1009

RAY HOBBS, Director,  
Arkansas Department of  
Correction

DEFENDANT

**ORDER**

Now on this 17th day of March 2011, there comes on for consideration the report and recommendation filed on March 1, 2011, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas (doc. 4). Also before the Court are Petitioner's objections to the report and recommendation (doc. 5).

The court has reviewed this case *de novo*. The report and recommendation recommends dismissal of the petition for failure to prosecute and obey an order of the Court. In his objections, Petitioner contends he timely completed the IFP application, and attached again the certificate of inmate account. However, Petitioner still failed to return a complete IFP application.

The Court declines to adopt the report and recommendation and directs the U.S. District Clerk to again mail Petitioner a blank IFP application (prisoner). Petitioner is given until April 7, 2011, to submit the completed application to the Court or pay the \$5 filing fee. **Petitioner is advised he must timely return all**

three pages of the IFP application, or his case will be dismissed  
without prejudice.

IT IS SO ORDERED.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge