

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

HOWARD JONES

PLAINTIFF

v.

Case No. 12-6014

DREAM REDIC YOUNG

DEFENDANT

ORDER

Now on this 16th day of January 2013, there comes on for consideration the report and recommendation filed herein on November 29, 2012, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 15). Plaintiff did not file timely, written objections.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Defendant's Motion (doc. 11) is GRANTED, and Plaintiff's IFP status is revoked pursuant to section 1915(g). Further, Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE to Plaintiff's right to re-open it with payment of the full \$350.00 filing fee. See *Witzke v. Hiller*, 966 F.Supp. 538, 540 (E.D. Mich. 1997) (revoking IFP status under section 1915(g) and dismissing action without prejudice to inmate's right to refile upon payment of filing fee). Plaintiff is instructed to file a motion to reopen the action upon payment to the United States District Clerk of the

proper filing fee. Plaintiff is also advised that in the event he tenders the filing fee, he will be responsible for any other costs associated with this action, such as costs of service and fees for the issuance of any requested subpoenas.

IT IS SO ORDERED.

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