

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

TAMBURELLO GRAHAM,  
FDOC Inmate No. B05975,  
Plaintiff,

vs.

Case No.: 3:17cv396/LAC/EMT

NICOLAS WHITE, et al.,  
Defendants.

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**ORDER**

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated October 19, 2017 (ECF No. 10). Plaintiff has been furnished a copy of the Report and Recommendation and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of all timely filed objections.

Plaintiff does not so much file an objection but concedes to the dismissal of this case, stating the he may refile the action once he is better prepared or enlists an attorney. This he may do, as the dismissal of the instant case is without prejudice.

Plaintiff also seeks an order instructing the Florida Department of Corrections, where he is incarcerated, to remove the lien from his prison account in the amount of the \$350.00 filing fee. Although Plaintiff was granted leave to proceed *in forma*

*pauperis*, this only relieved him from paying the entire filing fee up front. As mandated under 28 U.S.C. § 1915—and as Plaintiff was informed on the *in forma pauperis* motion form itself—he remains responsible for paying the entire filing fee, and payments will be taken from his prison account on a percentile basis as funds become available in that account, regardless of the outcome of the case. *See generally* 28 U.S.C. § 1915. Plaintiff’s request must therefore be denied.

Having considered the Report and Recommendation, and Plaintiff’s responses thereto, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The chief magistrate judge’s Report and Recommendation is adopted and incorporated by reference in this order.
2. This case is **DISMISSED without prejudice** for Plaintiff’s failure to prosecute this action and comply with an order of the court.

**ORDERED** on this 13<sup>th</sup> day of November, 2017.

s/L.A. Collier  
Lacey A. Collier  
Senior United States District Judge