

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

RANDALL LAMONT ROLLE,

Plaintiff,

v.

4:17cv307-WS/CAS

JUDGE JAMES SHELFER, et al.,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 4) docketed July 14, 2017. The magistrate judge recommends that the plaintiff's case be dismissed pursuant to the three-strikes provision of 28 U.S.C. § 1915(g).

In response to the magistrate judge's report and recommendation, the plaintiff has filed a motion for clarification, asking whether the filing fee was paid. The plaintiff explains that (1) he did not file a request for leave to proceed in forma pauperis, (2) by letter sent June 22, 2017, one week before he filed the case, he asked his parents to send the filing fee to the court; (3) with his complaint, he included a note to the clerk stating that the filing fee was going to be mailed from a

separate address; *see* Doc. 1, p. 14; (4) he received no response to a letter sent to the clerk on July 21, 2017, requesting a copy of the docket sheet so he could determine whether the filing fee had been paid; and (5) he filed the case in good faith, thinking the filing fee had been paid.

The court has now verified with its Financial Specialist that a filing fee for this case has *not* been received. The Finance Office has only three receipts for the plaintiff, all of which were for district-court (\$350 and \$50) and appellate-court (\$505) docketing fees in Case No. 4:17cv134.

Having reviewed the magistrate judge's report and recommendation, and having verified that the required docketing fee has not been paid, this court has determined that the magistrate judge's report and recommendation should be adopted. Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 4) is hereby ADOPTED and incorporated by reference into this order.

2. The plaintiff's complaint and this action are DISMISSED WITHOUT PREJUDICE.

3. The clerk shall enter judgment stating: "This action is dismissed without prejudice pursuant to 28 U.S.C. § 1915(g)."

4. The Clerk of Court shall close this case, noting on the docket that this case

was dismissed pursuant to 28 U.S.C. § 1915(g).

DONE AND ORDERED this 15th day of September, 2017.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE