

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

Hardy WILSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 5:09-CV-141 (MTT)
	)	
LT. FRAZIER, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

ORDER

This matter is before the Court on the Recommendation to Dismiss (the "Recommendation") (Doc. 8) of United States Magistrate Judge Claude W. Hicks, Jr. in response to the Plaintiff's letter requesting an extension on his case (Doc. 6). The Magistrate Judge requested that the Plaintiff notify the Court of his decision to dismiss the case without prejudice by June 23, 2009 (Doc. 7). The Magistrate Judge further instructed the Plaintiff that he must pay an initial \$7.19 filing fee if he wished to proceed with the action. The Magistrate Judge advised the Plaintiff that failure to comply with the order would result in dismissal of the Plaintiff's complaint. The Magistrate Judge recommends dismissing the action because the Plaintiff failed to notify the court of his decision to dismiss without prejudice by the stated deadline. The Plaintiff filed an objection to the Recommendation (the "Objection") (Doc. 9). Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered the Plaintiff's objection and has made a de novo determination of the portions of the Recommendation to which the Plaintiff objects.

The Court finds that the Objection raises a question as to whether the Plaintiff complied with the Magistrate Judge's order. The Plaintiff claims he can produce a

“receipt of letter of intent” mailed June 12, 2009. The Court orders the Plaintiff to produce the receipt of letter of intent by January 21, 2011. If the Plaintiff does not produce the receipt of letter of intent by the deadline, the Court will dismiss the action because there is no evidence in the record that the Plaintiff paid the filing fee.

**SO ORDERED**, this the 22<sup>nd</sup> day of December, 2010.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT