

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

<b>DARRELL DEMETRIUS CROSS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 5:17-CV-247 (MTT)</b>
	)	
	)	
<b>DEPUTY WARDEN LEE, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**ORDER**

On August 30, 2017, the Court dismissed Plaintiff Darrell Demetrius Cross’s complaint without prejudice based on the Plaintiff’s failure to pay the required filing fee and failure to comply with the Court’s order. Doc. 7. On March 14, 2018, the Plaintiff moved to reopen the case. Doc. 15. United States Magistrate Judge Charles H. Weigle recommends denying the Plaintiff’s motion, stating that, because “a judgment has already been rendered in this case, without prejudice, and because Plaintiff does not provide adequate grounds for reopening that judgment, the better course is for Plaintiff to raise his claims in a new action.” Doc. 16 at 1. In response, the Plaintiff filed a “Motion for an Extention [sic] of Time,” which can be construed as an objection. Doc. 17. In that motion, the Plaintiff claims that while he “does have fun[d]s in his account to pay for a new action,” he is being denied court access because the clerk of the Court, David Bunt, will not send his § 1983 civil action and IFP application forms and is biased against him. *Id.* at 1-2. Thus, the Plaintiff moved for a 30-day extension of time for him

to receive the § 1983 and IFP application forms. *Id.* at 3. On May 9, 2018, the Magistrate Judge granted the Plaintiff's motion for an extension of time to the extent the Plaintiff seeks additional time to file an objection or seeks the forms to file a new action. Doc. 18. On May 21, 2018, the Plaintiff moved to dismiss his motion for an extension of time, stating he has brought a new action and, thus, no longer needs an extension of time. Doc. 19 at 1; see generally *Cross v. Hall, et al.*, No. 5:18-cv-121, Doc. 1 (April 12, 2018). Because the Magistrate Judge has already granted the Plaintiff's motion for an extension of time, the Plaintiff's motion to dismiss is **DENIED as moot**.

Pursuant to 28 U.S.C. § 636(b)(1), the Court has 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 has reviewed the Recommendation and accepts the findings, conclusions, and recommendations of the Magistrate Judge. Thus, the Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Plaintiff's Motion to Reopen the Case (Doc. 15) is **DENIED**, the Plaintiff's Motion to Dismiss the Motion for an Extension of Time (Doc. 19) is **DENIED as moot**, and Case No. 5:17-cv-247 is **TERMINATED**.

**SO ORDERED**, this 22nd day of June, 2018.

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