IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MICHAEL WARNER ROSS, **Plaintiff,** **v.** **UNIDENTIFIED U.S. MARSHAL(S), et al.** **Defendants.**	**1:14-cv-316-WSD**

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Janet F. King's Final Report and Recommendation [4] ("R&R"), recommending dismissal of this action for failure to comply with a Court order.

I. BACKGROUND

On August 11, 2014, the Magistrate ordered Plaintiff Michael Warner Ross ("Plaintiff"), within thirty days, to pay the full $400.00 filing and administrative fees and to amend. (August 11, 2015, Order, [3]). Plaintiff was advised that failure to comply with the order could result in dismissal of the action. (Id. at 3-4). The time to comply expired on September 11, 2014. Out of an abundance of caution, the Court allowed Plaintiff additional time. (R&R at 1). Plaintiff failed to submit the applicable fees or an amendment, and, on October 15, 2014, the

Magistrate issued her R&R, recommending dismissal for failure to comply with the Court's order. (Id. at 2). As of October 9, 2015, Plaintiff still has failed to submit the fees or an amendment.

II. DISCUSSION

A. Legal Standard

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982) (per curiam). A district judge "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). Where, as here, no party has objected to the report and recommendation, a court conducts only a plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983) (per curiam).

B. Analysis

The Magistrate Judge found that Plaintiff failed to comply with the August 11, 2015, Order, and recommended that the Court dismiss this action. The Court finds no plain error in the Magistrate Judge's findings and recommendation.

See Slay, 714 F.2d at 1095. Plaintiff's failure to comply with the Magistrate Judge's August 11, 2015, Order warrants the dismissal of this action without prejudice. See LR 41.3(A)(2), NDGa. ("The court may, with or without notice to the parties, dismiss a civil action for want of prosecution if . . . [a] plaintiff . . . shall, after notice, . . . fail or refuse to obey a lawful order of the court . . . .").

III. CONCLUSION

For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge Janet F. King's Final Report and Recommendation [4] is **ADOPTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this 13th day of October, 2015.

William S. Duffey

WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE