

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

CORNELIO RAMIREZ,

Petitioner,

v.

1:14-cv-3317-WSD

JASON MEDLIN,

Respondent.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Gerrilyn G. Brill’s Final Report and Recommendation [3] (“R&R”). The Magistrate Judge recommended that this action be dismissed without prejudice for Petitioner Cornelio Ramirez’s (“Petitioner”) failure to comply with the Magistrate Judge’s October 23, 2014, Order [2].

I. BACKGROUND

On October 14, 2014, Petitioner, an inmate at Wheeler Correctional Facility in Alamo, Georgia, filed his Petition for Writ of Habeas Corpus [1]. On October 23, 2014, the Magistrate Judge ordered [2] Petitioner to submit, within thirty (30) days, either the \$5.00 filing fee for this case or a completed application to proceed *in forma pauperis*. (October 23, 2014, Order, at 1).

Petitioner did not comply with the Magistrate Judge's October 23, 2014, Order. On December 11, 2014, the Magistrate Judge recommended that the Court dismiss this action for Petitioner's failure to comply with the October 23, 2014, Order. (R&R at 1). Petitioner did not file any objections to the R&R.

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), cert denied, 459 U.S. 1112 (1983). 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). With respect to those findings and recommendations to which a party has not asserted objections, the district judge must conduct a plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983).

B. Analysis

As Petitioner has not objected to the Magistrate Judge's R&R, the Court reviews the Magistrate Judge's findings and recommendations for plain error. See

Slay 714 F.2d at 1095. The Magistrate Judge found that Petitioner failed to comply with the October 23, 2014, Order, and properly recommended that the Court dismiss this action. See LR 41.3(A)(2), NDGa. The Court finds no plain error in Magistrate Judge's findings and recommendation. See Slay, 714 F.2d at 1095.


III. CONCLUSION

For the foregoing reasons,

IT IS HEREBY ORDERED that on Magistrate Judge Gerrilyn G. Brill's Final Report and Recommendation [3] is **ADOPTED**.

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

SO ORDERED this 18th day of May, 2015.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE