

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

JIMMY JOLLEY,

Plaintiff,

v.

1:14-cv-3554-WSD

HENRY COUNTY JAIL,

Defendant.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Alan J. Baverman's Final Report and Recommendation [3] ("R&R") recommending dismissal of this action for failure to comply with a lawful order of the Court.

On November 17, 2014, the Magistrate Judge required Plaintiff Jimmy Jolly ("Plaintiff") to amend and to apply for *in forma pauperis* status or pay the full \$400.00 filing and administrative fees. ([2]). The Magistrate Judge advised Plaintiff that failure to comply with the Order would result in dismissal of the action.

Plaintiff failed to submit the applicable fees or an amendment as ordered, and has not otherwise responded. On January 7, 2015, the Magistrate Judge issued his R&R. The Magistrate Judge recommended dismissal of this action for failure

to comply with a lawful order of the Court pursuant to Local Rule 41.3(A)(2), NDGa.

Plaintiff did not file any objection to the R&R, and has not otherwise responded to it.

Under Local Rule 16.5, “[f]ailure to comply with the court’s pretrial instructions may result in the imposition of sanctions, including dismissal of the case or entry of a default judgment.” LR 16.5, NDGa. Further, under Local Rule 41.3(A)(2), “[t]he court may, with or without notice to the parties, dismiss a civil case for want of prosecution if: . . . [a] plaintiff . . . shall, after notice, . . . fail or refuse to obey a lawful order of the court in the case.” LR 41.3(A)(2), NDGa.

The Court finds no plain error in the Magistrate Judge’s recommendation that this action be dismissed for failure to comply with a lawful order of the Court. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983).

For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge Alan J. Baverman’s Final Report and Recommendation [3] is **ADOPTED**.

IT IS FURTHER ORDERED this action is **DISMISSED WITHOUT PREJUDICE** for failure to comply with a lawful order of the Court pursuant to Local Rule 41.3(A)(2).

SO ORDERED this 22nd day of March, 2016.

A handwritten signature in blue ink that reads "William S. Duffey, Jr." The signature is written in a cursive style and is positioned above a horizontal line.

WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE