

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

ANTHONY A. PRICE,

Plaintiff,

v.

1:17-cv-00042-WSD

SHERIFF TED JACKSON, et al.,

Defendants.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Catherine M. Salinas’ Final Report and Recommendation [3] (“R&R”), recommending this action be dismissed for failure to abide by a lawful order of the Court.

I. BACKGROUND

On December 13, 2016, Plaintiff Anthony A. Price (“Plaintiff”) filed a complaint for civil rights violations pursuant to 42 U.S.C. § 1983. ([1]). On January 10, 2017, the Magistrate Judge directed Plaintiff “either to (1) pay the case initiation fees or (2) submit a fully-completed IFP application – with *all* required signatures, certifications, and attachments – within twenty-one (21) days of the entry date of this Order.” (“January 10th Order” [2] at 1). The Magistrate Judge warned Plaintiff that “failure to (1) notify the Court promptly of any change of

address or (2) comply fully with any lawful order may result in the dismissal of this case. See LR 41.2B & LR 41.3A(2), NDGa.” (Id. at 2). Plaintiff did not respond to the January 10th Order.

On February 10, 2017, the Magistrate Judge issued her R&R. In it, she recommends that the Court dismiss this action for Plaintiff’s failure to comply with the January 10th Order. Plaintiff did not file any objections to the R&R, and has not otherwise taken any action in this matter.

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 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983).

No party objects to the R&R, and the Court thus conducts a plain error review of the record. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983).

B. Analysis

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.” L.R. 41.3(A)(2), NDGa.

Plaintiff failed to comply with the January 10th Order after being advised that failure to comply with this order may result in the dismissal of this action. The Magistrate Judge recommends this action be dismissed for Plaintiff’s failure to comply with the Court’s order. The Court finds no plain error in this finding and recommendation. Slay, 714 F.2d at 1095. Accordingly, this action is dismissed pursuant to Local Rule 41.3(A)(2).


III. CONCLUSION

For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge Catherine M. Salinas’ Final Report and Recommendation [3] is **ADOPTED**.

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

SO ORDERED this 28th day of February, 2017.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE