

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

DEMARCO BUTLER,

Plaintiff,

v.

1:17-cv-1508-WSD

UNKNOWN DEFENDANT,

Defendant.

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 comply with a lawful order of the Court.

I. BACKGROUND

On April 26, 2017, the Clerk’s Office received an unsigned postcard from Plaintiff Demarco Butler (“Plaintiff”), a pretrial detainee at the DeKalb County Jail, complaining about various jail policies and constitutional violations. ([1]). The Clerk’s Office designated the postcard and filed it as Plaintiff’s Complaint (Id.).

On June 21, 2017, the Magistrate Judge issued an Order [2] (“June 21st Order”) directing “the Clerk to send [Plaintiff] copies of this Court’s [42 U.S.C.]

§ 1983 form and *in forma pauperis* affidavit form, each pre-marked ‘Case No. 1:17-CV-1508-WSD-CMS.’” (June 21st Order at 1). The Magistrate Judge directed Plaintiff to complete and submit the forms within twenty-one (21) days. (Id.). The Magistrate Judge warned Plaintiff that this action may be dismissed if Plaintiff fails to notify the Court of any address changes or if Plaintiff fails to comply with the June 21st Order. (Id.). Plaintiff did not complete and submit the forms as ordered.

On July 25, 2017, the Magistrate Judge issued her R&R, recommending that the Court dismiss this action for Plaintiff’s failure to comply with the Court’s June 21st 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.” LR 41.3(A)(2), N.D. Ga.

Plaintiff failed to comply with the June 21st Order after being advised that failure to do so 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).

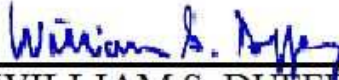
III. CONCLUSION

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** under Local Rule 41.3(A)(2) for failure to comply with a lawful order of the Court.

SO ORDERED this 19th day of September, 2017.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE