

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

SHAUNTAE ADKINSON,

Plaintiff,

v.

1:17-cv-2310-WSD

**DAVE AND BUSTERS OF GA,
INC. and JOHN DOE,**

Defendants.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Linda T. Walker’s Final Report and Recommendation [4] (“R&R”), recommending this action be dismissed for failure to comply with a lawful order of the Court.

I. BACKGROUND

On June 19, 2017, Plaintiff Shauntae Adkinson’s (“Plaintiff”) Complaint [1] against Defendants was filed on the docket. Plaintiff was confined at the Cobb County Jail in Marietta, Georgia, when he filed his Complaint. Plaintiff included an outdated application to proceed *in forma pauperis* (“IFP”) and inmate account statement with his Complaint. (See [2] at 3-4).

On June 22, 2017, the Magistrate Judge ordered that “Plaintiff must, within twenty-one (21) days of the date this Order is entered, submit a current IFP

application, including a current inmate account certification.” (June 22nd Order [3] at 2). The Magistrate Judge warned that “[f]ailure to do so may result in dismissal of this case.” (Id.). Plaintiff did not respond to the June 22nd Order.

On July 31, 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 June 22nd 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 June 22nd 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).

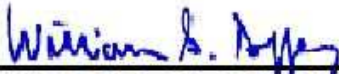
III. CONCLUSION

For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge Linda T. Walker’s Final Report and Recommendation [4] 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 29th day of August, 2017.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE