

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

**DANIEL LEE WILLIAMS,
GDC ID 1194597**

Plaintiff,

v.

1:17-cv-3834-WSD

UNNAMED DEFENDANT,

Defendant.

OPINION AND ORDER

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

I. BACKGROUND

On September 29, 2017, Plaintiff Daniel Lee Williams (“Plaintiff”) submitted a one-page letter, which was docketed by the Clerk as a civil rights complaint. ([1]). On December 4, 2017, the Magistrate Judge, noting the complaint was “both too brief and too vague to state any claims upon which relief may be granted,” directed Plaintiff “to submit (A) a more-carefully-drafted amended complaint and (B) either (1) \$400 or (2) a fully-completed application for permission to proceed *in forma pauperis* – with *all* required signatures,

certifications, and attachments” within fourteen (14) days of entry of the order. (“December 4th Order” [2] at 1-2). The Magistrate Judge warned Plaintiff that noncompliance with the order would result in dismissal pursuant to Local Rule 41.3(A)(2). (Id. at 2). Plaintiff did not respond to the December 4th Order.

On December 27, 2017, the Magistrate Judge issued her Final R&R. In it, she recommends that the Court dismiss this action for Plaintiff’s failure to comply with the December 4th Order. Plaintiff did not file any objections to the Final 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 December 4th Order after being advised that failure to comply with this order could 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’s 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 23rd day of March, 2018.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE