

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

**RICARDO LECON SCOTT,
Inmate No. 1719055,**

Petitioner,

v.

VICTOR HILL, et al.,

Respondents.

1:17-cv-4153-WSD

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Justin S. Anand’s Final Report and Recommendation [4] (“Final R&R”) recommending dismissing the action without prejudice.

On October 18, 2017, Petitioner Ricardo Lecon Scott (“Petitioner”) sent the Court a “barely legible” § 2241 federal habeas corpus petition (“§ 2241 Petition”) with approximately 72 handwritten pages attached. ([1]; see also [4] at 1). Also accompanying his § 2241 Petition was Petitioner’s Application to Proceed *In Forma Pauperis* [2], but without the required executed financial affidavit with an authorization allowing his custodian to withdraw funds from his inmate account or a completed certificate signed by an authorized institutional officer regarding the

current balance in his inmate account.

On November 21, 2017, the Court entered an Order [3] (“November 21st Order”) instructing Petitioner to amend the petition by using computer processed, typed or legible handprint on one-sided, double-spaced lines. The November 21st Order also instructed Petitioner to either pay the \$5.00 filing fee or return a proper request to proceed *in forma pauperis*. (Id.). Petitioner was advised that failure to comply with the Court’s instructions within thirty (30) days could result in dismissal of the action. (Id.). On January 25, 2018, the Magistrate Judge issued the Final R&R recommending dismissal without prejudice. ([4]). No party filed objections to the Final R&R.

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, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). Where, as here, no parties filed objections to the Final R&R, the Court reviews it for plain error. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983), cert. denied, 464 U.S. 1050 (1984).

The Magistrate Judge found Petitioner in violation of a lawful Court order because he failed to either submit the \$5 filing fee or provide a proper request to

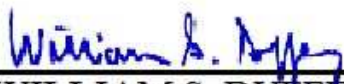
proceed *in forma pauperis*. ([4] at 2); see also Fed. R. Civ. P. 41(b); LR 41.3A(2), NDGa. The Court finds no plain error in the Magistrate Judge's findings or recommendation.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Justin S. Anand's Final Report and Recommendation [4] is **ADOPTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this 20th day of June, 2018.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE