

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

H.T. SMITH,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION NO.
v.	:	1:18-CV-3294-AT
	:	
UNNAMED DEFENDANT(S),	:	
	:	
Defendant.	:	

ORDER


This matter is before the Court on the Magistrate Judge’s Final Report and Recommendation that *pro se* Plaintiff’s Complaint be dismissed, without prejudice, for his persistent failure or refusal to “return IFP applications (with completed payment authorizations)” as required by 28 U.S.C. § 1915. *See Generally* Report and Recommendation (Doc. 2). Specifically, the Magistrate Judge heightened the fact that this is not the first time that Plaintiff has failed to comply with this requirement since, while incarcerated, he has attempted to file “half-a-dozen civil rights actions and habeas corpus matters in federal court” and at “the outset of each case” he has been made aware of the statutory “requirement that he either pay the applicable filing fees or submit an IFP application. . . .” *Id.* Nevertheless, even after having been provided both “additional copies of the IFP

application forms” and “an additional 30 days” to submit said forms (in his previously filed cases), Plaintiff has failed to do so. *Id.* (citing cases). Thus, based upon Plaintiff’s “history and pattern of non-compliance with court rules and court orders” the Magistrate Judge determined that “little purpose would be served by sending [Plaintiff] another IFP application form and affording him additional time to submit an IFP application.” *Id.*

The Court notes that no objections have been filed in response to the Magistrate’s Report and Recommendation and the time to interpose objections has since passed. Therefore, in accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the Court has reviewed the Magistrate’s Recommendation for clear error and finds none.

Accordingly, the Court hereby **ADOPTS** the Magistrate Judge’s Report and Recommendation as the opinion of this Court. For the reasons stated in the Magistrate Judge’s Report and Recommendation, the Court directs that Plaintiff’s Complaint be **DISMISSED, without prejudice**. There being no further issues before the Court, the Clerk is **DIRECTED** to close the case.

It is so **ORDERED** this 9th day of October, 2018.


AMY TOTENBERG
UNITED STATES DISTRICT JUDGE