

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF GEORGIA**  
**SAVANNAH DIVISION**

BRANDON SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CV408-169
	)	
C/O II, NURSE SCOTT,	)	
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

Plaintiff Brandon Smith filed the above-captioned 42 U.S.C. § 1983 civil rights action against the defendants on August 8, 2008. Doc. 1. The Court granted him leave to proceed in forma pauperis ("IFP"), but directed him to complete and return both a Prison Trust Fund Account Statement form and a Consent to Collection of Fees from Trust Account form before the case could proceed. Doc. 6. The order further advised plaintiff that if he failed to return the forms within thirty days, the Court would presume that he desired to voluntarily dismiss his complaint without prejudice. *Id.* at 5.

Plaintiff never returned the required forms. Because the thirty-day deadline expired, plaintiff's § 1983 complaint should be **DISMISSED WITHOUT PREJUDICE**.

**SO REPORTED AND RECOMMENDED** this 13th day of April, 2009.

**/s/ G.R. SMITH**  
**UNITED STATES MAGISTRATE JUDGE**  
**SOUTHERN DISTRICT OF GEORGIA**