

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

MARCUS COOK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CV408-189
	)	
SGT. OLIVER,	)	
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On September 26, 2008, plaintiff filed a complaint pursuant to 42 U.S.C. § 1983. (Doc. 1.) On October 22, 2008, plaintiff was granted leave to proceed *in forma pauperis* on the condition that he return a Prisoner Trust Account Statement form and a Consent to Collection of Fees from Trust Account form within thirty days of the order. (Doc. 3.) The order further advised plaintiff that if he failed to return the forms within the thirty-day deadline, 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 some three weeks ago, plaintiff's § 1983 complaint should be **DISMISSED WITHOUT PREJUDICE**.

**SO REPORTED AND RECOMMENDED** this 18th day of December, 2008.

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