

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

DONALD WEBSTER WELLS, )

Plaintiff, )

v. )

Case No. CV408-253

ROMEL PETIT, SPD; )

DAVID BAREFIELD, CCP; and )

CHATHAM COUNTY )

COURTS, DW, )

Defendants. )

**REPORT AND RECOMMENDATION**

Plaintiff Donald Webster Wells filed the above-captioned 42 U.S.C. § 1983 civil rights action against the defendants on December 17, 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. 3. 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 4-5. He 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 23rd day of April, 2009.

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