

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.
2010 JUL 13 PM 2:00

CLERK *M. A. Hill*
SO. DIST. OF GA.

WILLIE G. SMITH,)
)
Plaintiff,)
)
v.)
)
ARMSTRONG ATLANTIC STATE)
UNIVERSITY,)
)
Defendant.)

CASE NO. CV410-059

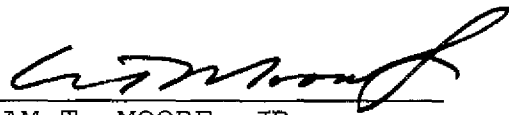
O R D E R

Before the Court is the Magistrate Judge's report and recommendation, which recommends that Plaintiff's complaint be dismissed without prejudice because Plaintiff failed to supply the requested form in his application to proceed in forma pauperis. (Doc. 5.) In his objections, Plaintiff contends that he never received a copy of the Magistrate Judge's order directing him to supply the additional information.¹ (Doc. 3.) In addition, Plaintiff filed the requested documentation on the same date he filed his objections. (Doc. 8.) Because Plaintiff failed to receive

¹ Inexplicably, the Magistrate Judge's order, which was mailed to the address provided by Plaintiff, was returned as undeliverable. (Doc. 4.) However, Plaintiff's address has not changed since he instituted this lawsuit, as evidenced by his later receipt of the report and recommendation at the same address. Therefore, the Court can only conclude that, through no fault of his own, Plaintiff failed to receive a copy of the Magistrate Judge's order.

the Magistrate Judge's order and subsequently provided the requested documentation, the Court **DECLINES TO ADOPT** the Magistrate Judge's report and recommendation. The Clerk of Court is **DIRECTED** to **REFER** Plaintiff's complaint (Doc. 1) and Motion to Proceed In Forma Pauperis (Docs. 2, 8) to the Magistrate Judge.

SO ORDERED this 13th day of July 2010.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA