

**In the United States District Court
For the Southern District of Georgia
Waycross Division**

NERY ROLANDO JEREZ-TOCO,

Petitioner,

v.

CHARLES SAMUELS; WARDEN TRACY
JOHNS; and GEORGE ZOLEY,

Respondents.

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CIVIL ACTION NO.: 5:16-cv-91

ORDER

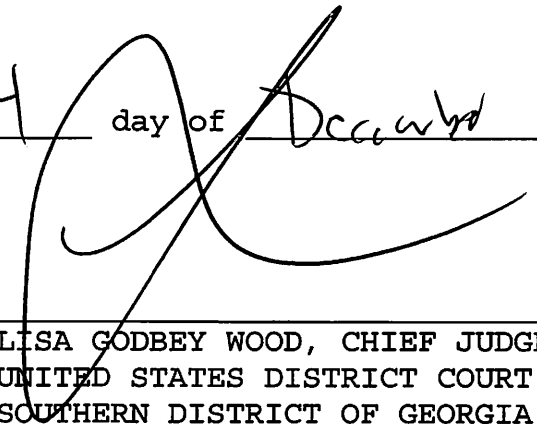
After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, (dkt. no. 2), to which Petitioner Nery Rolando Jerez-Toco ("Jerez-Toco") failed to file any Objections.

Accordingly, the Court **DISMISSES** Jerez-Toco's Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2241. The Court **DIRECTS** the Clerk of Court to enter the appropriate judgment of dismissal and to **CLOSE** this case. The Court **DENIES** Jerez-Toco leave to proceed *in forma pauperis* on appeal.

The Court also **DISMISSES** as moot Jerez-Toco's Complaint, (dkt. no. 4), and Motion for Leave to Proceed *in Forma Pauperis*, (dkt. no. 5), both of which he filed after the time to file

Objections to the Magistrate Judge's Report and Recommendation expired. Jerez-Toco must re-submit his Complaint and pay the requisite filing fee or re-file his Motion for Leave to Proceed *in Forma Pauperis* before pursuing his claims via an alternative cause of action.¹

SO ORDERED, this 14 day of December, 2016.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

¹ The Court offers no opinion as to the efficacy of such a pursuit.