

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

DELWIN BERRY,

Plaintiff,

v.

BRYSON; EDWINA JOHNSON; AMMOS
TAYLOR; WILLIAM DANFORTH; TOM
GRAMIAK; TIMOTHY ALLEN WARD;
and COMMISSIONER BRIAN OWENS,

Defendants.

*
*
*
*
*
*
*
*
*

CIVIL ACTION NO.: 5:17-cv-39

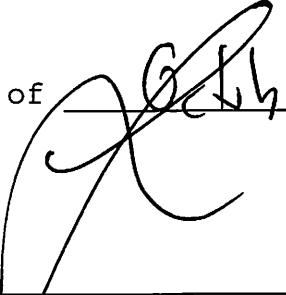
ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, dkt. no. 6, to which Plaintiff failed to file Objections.¹ Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **DISMISSES without prejudice** Plaintiff's Complaint for failure to prosecute and **DENIES** Plaintiff *in forma*

¹ Plaintiff filed a Motion to Amend after the Magistrate Judge issued his Report and Recommendation. Dkt. No. 7. This pleading is not responsive to the Report and Recommendation. In addition, Plaintiff's Motion to Amend is **DISMISSED as moot**, as he failed to pay the requisite filing fee or move to proceed *in forma pauperis* in this cause of action, thus underscoring the Magistrate Judge's recommendation for dismissal of Plaintiff's Complaint.

pauperis status on appeal. The Court **DIRECTS** the Clerk of Court to **CLOSE** this case and to enter the appropriate judgment of dismissal.

SO ORDERED, this 23 day of October, 2017.


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