

**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**

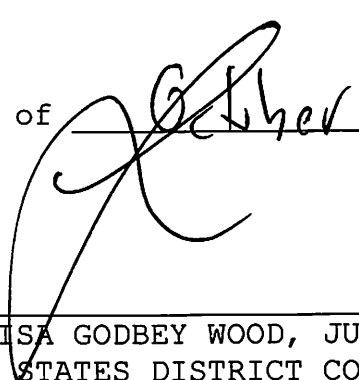
After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, dkt. no. 6, to which Plaintiff failed to file Objections.<sup>1</sup> Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the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

---

<sup>1</sup> 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