

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

DWIGHT B. FREEMAN,

Petitioner,

v.

JAMES K. PERRY,

Respondent.

5:23-cv-106

ORDER

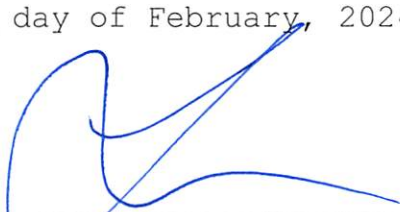
The Magistrate Judge issued a Report wherein he recommended the Court dismiss without prejudice Petitioner Dwight Freeman's ("Freeman") 28 U.S.C. § 2254 Petition based on Freeman's failure to follow this Court's directive. Dkt. No. 6. Petitioner Dwight Freeman ("Freeman") filed Objections to this Report and Recommendation. Dkt. No. 7.

In his Objections, dated January 24, 2024, Freeman maintains he has not complied with the Court's directive to either move to proceed *in forma pauperis* or pay the requisite filing fee because inmates at prison where he is housed have had to go to a hospital outside of the prison, leading to staff shortages at the prison. Id. at 1. Freeman states he "had to wait a long time just to get the" *in forma pauperis* form "done" and staff was late mailing it. Id. at 2.

Instead of notifying the Court he needed more time to comply with its directive, Freeman has waited until he faces dismissal of his Petition to contend he attempted to comply with the Court's directives. Freeman's attempt has come nearly two months after he was directed to comply with the Court's directive and a mere six days after the Magistrate Judge issued his Report and Recommendation. Moreover, Freeman still has failed to provide the Court with his application for leave to proceed *in forma pauperis* or with the requisite filing fee, which is only \$5.00 in this case. In short, Freeman has not complied with this Court's directives or offered an adequate reason for his continued non-compliance.

The Court **OVERRULES** Freeman's Objections. Thus, I concur with and **ADOPT** the Report and Recommendation as the opinion of the Court and **DISMISS without prejudice** Freeman's 28 U.S.C. § 2254 Petition. I also **DIRECT** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal and **DENY** Freeman *in forma pauperis* status on appeal and a Certificate of Appealability.

SO ORDERED, this 7 day of February, 2024.



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