**IN THE UNITED STATES DISTRICT COURT**
**FOR THE SOUTHERN DISTRICT OF GEORGIA**
**STATESBORO DIVISION**

| | | |
|---|---|---|
| AVERY LAMAR MILLER, | : | |
| Plaintiff, | : | |
| v. | : | CIVIL ACTION NO.: CV614-090 |
| BRAD HOOKS, Warden, | : | |
| Defendant. | : | |

**ORDER**

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which no Objections were filed. The order granting Plaintiff's motion to proceed *in forma pauperis*, dated November 26, 2013, and signed by a United States Magistrate Judge in the Middle District of Georgia, (Doc. 8), is **VACATED**, and Plaintiff's motion to proceed *in forma pauperis* is **DENIED**. Defendant's unopposed Motion to Dismiss, (Doc. 71), is **GRANTED**. Plaintiff's Complaint is **DISMISSED**, without prejudice, based on the provisions of 28 U.S.C. § 1915(g). The Clerk of Court is directed to enter the appropriate judgment of dismissal and to **CLOSE** this case.

**SO ORDERED**, this 14th day of May, 2015.

HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA