

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION at LEXINGTON

RONALD BIRDSONG,	)	
	)	
Petitioner,	)	Civil Action No. 5:12-cv-23-JMH
	)	
v.	)	
	)	
GARY BECKSTROM, Warden,	)	
	)	
Respondent.	)	<b>ORDER</b>
	)	

\*\*      \*\*      \*\*      \*\*      \*\*

This matter is before the Court on the Report and Recommendation of Magistrate Judge Hanly A. Ingram [DE 4]. Said action was referred to the magistrate for the purpose of reviewing the merit of Petitioner's Application to Proceed Without Prepayment of Fees [DE 2].

The Magistrate Judge's Recommended Disposition was entered in the record on February 3, 2012, recommending that Petitioner's Application to Proceed Without Prepayment of Fees [DE 2] be denied and advising Birdsong that, unless particularized objections to the Recommended Disposition were due within fourteen days of the date of service, further appeal of the issue raised in the Motion would be waived. Fourteen days have now expired, and Birdsong has filed no objections.

Generally, "a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations made by the magistrate judge." 28

U.S.C. § 636. However, when the petitioner fails to file any objections to the Recommended Disposition, as in this case, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Consequently, this Court adopts the reasoning set forth in the Recommended Disposition as its own.

Accordingly, **IT IS ORDERED:**

(1) that the Recommended Disposition of Magistrate Judge Hanly A. Ingram [Record No. 4] is **ACCEPTED** and **ADOPTED**;

(2) that Petitioner's Application to Proceed Without Prepayment of Fees [DE 2] is **DENIED**;

(3) that the Petitioner shall submit the **\$5** filing fee to the Clerk of the Court by no later than **thirty (30) days** from entry of this Order. Failure to pay the fee in accordance with the Court's order will result in dismissal of the action and that the action will not be reinstated to the Court's active docket despite the subsequent payment of the filing fee. *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997).

This is the 29th day of February, 2012.



**Signed By:**

***Joseph M. Hood*** 

**Senior U.S. District Judge**