

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JAMES JERROD SPIKES

CIVIL ACTION

VERSUS

NO: 16-2794

RANDY SEAL, ET AL

SECTION: "H"

ORDER

Before the Court is a Report and Recommendation of the Magistrate Judge. The Magistrate recommended that this matter be dismissed with prejudice for failure to prosecute because Plaintiff had neither paid the filing fee nor filed an application to proceed in forma pauperis. Following the issuance of the Report and Recommendation, Plaintiff filed his application to proceed in forma pauperis. Accordingly, the Court declines to adopt the Magistrate's Report and Recommendation.

IT IS ORDERED that Plaintiff's Motion for Leave to Proceed In Forma Pauperis (Doc. 57) is **GRANTED**.

New Orleans, Louisiana this 9th day of November, 2016.



JANE TRICHE MILAZZO
UNITED STATES DISTRICT JUDGE