

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

DINO SCHWERTZ (#236315)

CIVIL ACTION

VERSUS

ST. TAMMANY PARISH COURTS, ET  
AL.

NO.: 13-00075-BAJ-SCR

RULING AND ORDER

On December 3, 2013, the United States Magistrate Judge issued a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1), recommending that Plaintiff Dino Schwartz's action be dismissed without prejudice for failure to pay the court's filing fee. (Doc. 4.) A review of the record indicates that Plaintiff filed a motion to proceed in forma pauperis on February 5, 2013 (Doc. 2.) However, the Magistrate Judge determined that Plaintiff had previously filed at least three actions in federal court that were found to be either frivolous or failed to state a claim upon which relief could be granted. As such, and in accordance with 28 U.S.C. § 1915(g), Plaintiff was ordered to pay the court's full filing fee within twenty-one (21) days of the order. (Doc. 3.) Plaintiff did not pay the fee.

The Magistrate Judge's Report and Recommendation specifically notified Plaintiff that, pursuant to 28 U.S.C. § 636(b)(1), he had fourteen (14) days from the date he received the Report and Recommendation to file written objections to the proposed findings of fact, conclusions of law, and recommendations therein. (Doc. 4, at

1.) A review of the record indicates that Plaintiff filed a timely memorandum in opposition to the Magistrate Judge's Report and Recommendation on December 11, 2013. (Doc. 5.)

Having carefully considered the Magistrate Judge's Report, the record, and the applicable law, the Court concludes that the Magistrate Judge's Report is correct, and hereby adopts its findings of fact, conclusions of law, and recommendation.<sup>1</sup>

Accordingly,

**IT IS ORDERED** that the **Magistrate Judge's Report (Doc. 4)** is **ADOPTED** as the Court's opinion herein.

**IT IS FURTHER ORDERED** that the above captioned matter be **DISMISSED, without prejudice**, for failure to pay the Court's filing fee.

Baton Rouge, Louisiana, this 7<sup>th</sup> day of January, 2014.



**BRIAN A. JACKSON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

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<sup>1</sup>The primary assertions within Plaintiff's objection are that (1) he is indigent; (2) that his claim is not frivolous; and (3) that "[e]verytime [he] [tries] to show the cause of his illegal conviction[.]" there is a conflict of law within the courts. (Doc.5, at 1.) However, Plaintiff does not direct the Court to any law or facts that contest the findings of the Magistrate Judge. Therefore, the Court adopts the findings of fact and conclusions of law cited in the Report.