

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

MANETIRONY CLERVRAIN

PLAINTIFF

V.

CIVIL ACTION NO.: 3:21-CV-147-MPM-RP

DELBERT HOSEMAN

DEFENDANT

ORDER

On consideration of the file and records in this action, the Court finds that the report and recommendation of the United States Magistrate Judge dated October 28, 2021, was on that date served via electronic mail through the court's CM/ECF system upon counsel of record and via mail to the plaintiff at the address listed on the docket; more than eighteen days have elapsed since service of the report and recommendation; and no objection has been filed or served by the parties.

“With respect to those portions of the report and recommendation to which no objections were raised, the Court need only satisfy itself that there is no plain error on the face of the record.” *Gauthier v. Union Pac. R.R. Co.*, 644 F. Supp. 2d 824, 828 (E.D. Tex. 2009) (citing *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996)). The Court has reviewed the R&R and finds no plain error on the face of the record.

The Court is of the opinion that the report and recommendation should be approved and adopted as the opinion of the Court.

It is, therefore, **ORDERED**:

1. That the report and recommendation of the United States Magistrate Judge dated October 28, 2021, is **APPROVED** and **ADOPTED**, and the proposed findings of fact and conclusions of law therein set out are adopted as the findings of fact and conclusions of law of the court.

2. That the plaintiff's action fails to assert any claim on which relief may be granted or over which this court has subject matter jurisdiction, and as such must be **DISMISSED**.
3. That the plaintiff wholly failed to respond as to the issue of his ability to pay the filing fee, but in light of dismissal, the motion to proceed *in forma pauperis* must be **DENIED AS MOOT**.
3. As such, the case is **CLOSED**.

SO ORDERED, this the 18th day of November, 2021.

/s/ Michael P. Mills

**UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI**