Hamilton v. Missouri Department of Corrections et al Doc. 7

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

ALEJO A. HAMILTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 08-4210-CV-C-SOW
	)	
MISSOURI DEPARTMENT OF CORRECTIONS, et al.,	)	
	)	
	)	
Defendants.	)	

ORDER

On September 17, 2008, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full $455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of September 17, 2008, is adopted. [5] It is further

ORDERED that plaintiff's claims are dismissed, pursuant to the provisions of 28 U.S.C. § 1915A, for failure to state a claim for which relief can be granted.

/s/Scott O. Wright
SCOTT O. WRIGHT
Senior United States District Judge

Dated: October 14, 2008

Dockets.Justia.com