

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TERRY J. BURGESS,)	
)	
Petitioner,)	
)	
v.)	1:11CV420
)	
JOEL HERRON, ADMINISTRATOR,)	
)	
Respondent.)	

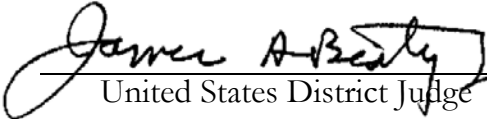
O R D E R

On May 25, 2011, this action was filed without prepayment of the \$5.00 filing fee by order of Magistrate Judge Wallace W. Dixon. (See Docket Entries 1, 2 & 3.) In that Order (Docket Entry 3), Petitioner was informed that, although the action was being filed, further proceedings would be stayed for thirty days or until he submitted the \$5.00 filing fee, whichever date was earlier. Petitioner filed objections to this Order (Docket Entry 4) and thereafter filed a Motion for an Injunctive Order Requiring Prison Officials to Provide Access to Legal Material (Docket Entry 5). A Recommendation by Magistrate Judge L. Patrick Auld addressing this Motion was filed on November 2, 2011, and notice was served on Petitioner pursuant to 28 U.S.C. § 636. (Docket Entries 6 & 7.) Petitioner filed objections to the Recommendation within the time limit prescribed by Section 636. (Docket Entry 8.)

The Court has reviewed Petitioner’s objections (Docket Entries 4 & 8) de novo and finds they do not change the substance of the United States Magistrate Judge’s Order of May 25, 2011 (Docket

Entry 3) or the Recommendation entered November 2, 2011 (Docket Entry 6) which are affirmed and adopted.

IT IS THEREFORE ORDERED that Petitioner's Motion for an Injunctive Order Requiring Prison Officials to Provide Access to Legal Material (Docket Entry 5) is **DENIED**, and that this action be, and the same hereby is, **DISMISSED** for failure to pay the \$5.00 filing fee as ordered on May 25, 2011 (Docket Entry 3).


United States District Judge

December 1, 2011