

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

James Arthur Woods, Sr.,)	
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
vs.)	
)	
North Dakota University System and William Goetz)	Case No. 1:08-cv-090
)	
Defendants.)	

The Plaintiff filed a complaint against the Defendants on December 15, 2008. See Docket No. 3. Pursuant to 28 U.S.C. § 1915, Magistrate Judge Charles S. Miller, Jr. conducted a review of the record and relevant case law and submitted a Report and Recommendation on December 15, 2008. See Docket No. 4. Judge Miller recommended that the Plaintiff's complaint be dismissed without prejudice (including without prejudice to the filing of a paid complaint) for lack of subject matter jurisdiction unless, within thirty (30) days from the date the Court ruled on the Report and Recommendation, the Plaintiff filed an amended complaint curing the jurisdictional deficiencies. The Plaintiff was given thirty (30) days to file an objection to the Report and Recommendation. The Plaintiff did not file an objection.

On January 28, 2009, the Court entered an Order Adopting Report and Recommendation. See Docket No. 5. The Plaintiff failed to file an amended complaint by March 2, 2009, which was thirty (30) days – plus three days for mailing – from January 28, 2009. Therefore, the Plaintiff's complaint (Docket No. 3) is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Dated this 4th day of March, 2009.

/s/ *Daniel L. Hovland*

Daniel L. Hovland, Chief Judge
United States District Court