

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

CHRISTOPHER JAY SMITH, )
)
Petitioner )
)
vs. ) No. CIV-06-128-C
)
SAM CALBONE, Warden, )
)
Respondent )

ORDER

This matter is before the Court on the Report and Recommendation entered by the United States Magistrate Judge on February 8, 2006. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed; however, on February 13, 2006, Petitioner paid the \$5.00 filing fee, rendering the Magistrate Judge's recommendation moot.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted in part. Petitioner's request to proceed in forma pauperis is denied; but because the filing fee has now been paid, the case is once again committed to the Magistrate Judge under the initial Order of Referral.

IT IS SO ORDERED this 27th day of February, 2006.

[Handwritten signature of Robin J. Cauthron]
ROBIN J. CAUTHRON
United States District Judge