

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

JONEY JOE LUSTY,
Petitioner,
v.
STATE OF OKLAHOMA,
Respondent.
Case No. CIV-06-1055-T

ORDER OF DISMISSAL

Before the Court is the Report and Recommendation [Doc. 6] issued by United States Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Purcell recommends denial of Petitioner’s motion to proceed in forma pauperis [Doc. 5], and dismissal for lack of jurisdiction of Petitioner’s pro se “Application for Extraordinary Writ of Appeal from Adverse Ruling of the Oklahoma Appellate Court of Criminal Appeals” [Doc. 1]. Petitioner has neither filed a timely objection nor requested additional time to object.

Due to the lack of objection, the Court finds Petitioner has waived further review of all issues addressed by Judge Purcell. Further, because the filing fee remains unpaid and Petitioner seeks relief that is unavailable in federal district court, the Court adopts the Report and Recommendation.

This action is DISMISSED for failure to pay the required filing fee and for lack of jurisdiction.

Entered this 15th day of November, 2006.

[Handwritten signature of Ralph G. Thompson]

RALPH G. THOMPSON
UNITED STATES DISTRICT JUDGE