

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

FRED SMITH,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-12-1365-HE
	)	
JUSTIN JONES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**


Plaintiff, a state prisoner appearing *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff sought leave to proceed *in forma pauperis* (“*ifp*”). Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Gary M. Purcell. In a Supplemental Report & Recommendation [Doc. #15], Judge Purcell recommend that plaintiff’s motion be denied because plaintiff has sufficient financial resources to pay the filing fee. Plaintiff subsequently paid the full \$350.00 filing fee [Doc. #16]. Objections to the magistrate judge’s report and recommendation were due by March 25, 2013.

Plaintiff, having failed to object to the report and recommendation, has waived his right to review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). In light of plaintiff’s payment of the full filing fee, his motion to proceed in forma pauperis

[Doc. #12] is **STRICKEN** as **MOOT**.

**IT IS SO ORDERED.**

Dated this 19th day of April, 2013.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE