

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

WILLIAM J.R. EMBREY,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-13-360-F
)	
STATE OF OKLAHOMA, et al.,)	
)	
Defendants.)	

ORDER


On September 17, 2013, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation, wherein he recommended that plaintiff's motion to proceed in forma pauperis be denied and that the action be dismissed without prejudice unless plaintiff pays the full filing fee within ten days of any order adopting the Report and Recommendation. Magistrate Judge Erwin advised plaintiff that any objections to the Report and Recommendation must be filed by October 4, 2013 and that failure to make timely objection constitutes a waiver of the right to appellate review of both factual and legal issues addressed.

To date, plaintiff has not filed an objection to the Report and Recommendation and has not sought an extension of time to file an objection. With no objection being filed, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Shon T. Erwin on September 17, 2013 (doc. no. 15) is **ACCEPTED, ADOPTED** and **AFFIRMED**. Plaintiff's motion to proceed *in forma*

pauperis (doc. no. 2) is **DENIED**. The above-captioned matter shall be dismissed without prejudice unless plaintiff pays the full filing fee within ten days of the date of this order.

DATED October 21, 2013.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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