

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

GLEN FOLSOM,)	
)	
Plaintiff,)	
vs.)	NO. CIV-13-632-D
)	
MARC KNUTSON, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is the Report and Recommendation [Doc. No. 8] of United States Magistrate Judge Suzanne Mitchell. The Magistrate Judge recommends that the Court dismiss this action without prejudice because Plaintiff failed to file a complaint to initiate the action in which he asserts a civil rights violation. As the Magistrate Judge correctly noted, Plaintiff filed only a submission entitled, "Order to Show Cause for [a] Preli[mi]nary Injunction and a Temporary Restraining Order" [Doc. No. 1], and the Court lacks power to issue preliminary injunctive relief "[a]bsent a properly-filed complaint." *Powell v. Rios*, 241 F. App'x 500, 505 n. 4 (10th Cir. 2007) (unpublished opinion). Accordingly, the Magistrate Judge recommended dismissal unless Plaintiff filed a proper complaint within 20 days following an Order adopting the Report and Recommendation. She also directed the Court Clerk to furnish Plaintiff with the forms necessary to file the complaint.

On July 12, 2013, Plaintiff filed a complaint [Doc. No. 9]. Because Plaintiff has now complied with the directions set forth in the Report and Recommendation, the recommendation is now moot. This matter is again referred to United States Magistrate Judge Suzanne Mitchell for initial proceedings pursuant to 28 U. S. C. 636(b)(1)(B) and (C).

IT IS SO ORDERED this 23rd day of July, 2013.

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE Dockets.Justia.com