

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

FILED

OCT - 8 2013

CHARLEY D. ALLEY,)
)
Plaintiff,)
)
vs.)
)
GENE CAIN et al.,)
)
Defendants.)

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY zrh DEPUTY

No. CIV-13-737-W

ORDER

On September 17, 2013, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the Motion for Leave to Proceed in Forma Pauperis filed by plaintiff Charley D. Alley be denied. Magistrate Judge Erwin further recommended that this matter be dismissed without prejudice for failure to comply with his Order issued on July 19, 2013, directing Alley to cure the defective Motion for Leave to Proceed in Forma Pauperis. Alley was advised of his right to object, see Doc. 6 at 2, but no objections have been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's suggested disposition of Alley's request to proceed without prepayment of fees and costs. Because Alley not only has failed to comply with Magistrate Judge Erwin's Order [Doc. 5] of July 19, 2013, but also has shown no indication that he intends to prosecute this matter, the Court further concurs with Magistrate Erwin's recommendation that this matter be dismissed without prejudice.

Accordingly, the Court

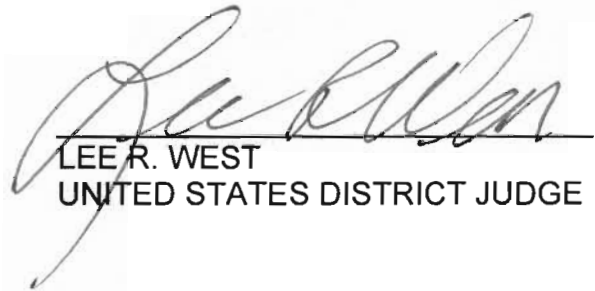
(1) ADOPTS the Report and Recommendation [Doc. 6] issued on September 17,

2013;

(2) DENIES Alley's Motion for Leave to Proceed in Forma Pauperis [Doc. 2] file-stamped July 17, 2013; and

(3) DISMISSES this matter without prejudice to refiling.

ENTERED this 8th day of October, 2013.



LEE R. WEST
UNITED STATES DISTRICT JUDGE