

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

LEE COTTON, )
Plaintiff, )
v. ) Case No. CIV-14-1078-D
GARFIELD COUNTY JAIL, et al., )
Defendants. )

ORDER

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell. Judge Purcell recommends that Plaintiff's action under 42 U.S.C. § 1983 be dismissed without prejudice to refiling for failure to pay the initial partial filing fee required by 28 U.S.C. § 1915(b)(1), or to show cause for nonpayment. Within the time period for a written objection, Plaintiff has paid the required fee. Under these circumstances, the Court finds that the action should not be dismissed.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 8] is not adopted. This matter is re-referred to Judge Purcell for further proceedings consistent with the initial case referral.

IT IS SO ORDERED this 4th day of December, 2014.

Handwritten signature of Timothy D. DeGiusti

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE