

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, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter is before the Court for review of the Report and Recommendation of United States Magistrate Judge Gary M. Purcell issued December 9, 2014, pursuant to 28 U.S.C. § 636(b)(1)(B). Upon initial review of Plaintiff’s civil rights complaint concerning the conditions of his confinement in the Garfield County Jail, Judge Purcell recommends dismissing the action without prejudice pursuant to 28 U.S.C. § 1915A(b) and § 1915(e)(2)(B) for failure to state a claim on which relief may be granted, and counting the dismissal as one “prior occasion” or “strike” pursuant to 28 U.S.C. § 1915(g).

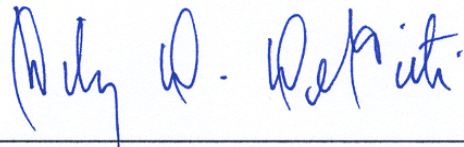
Plaintiff, who appears *pro se* and *in forma pauperis*, has neither filed a timely objection to the Report nor requested additional time to object.¹ The Court therefore finds Plaintiff has waived further review. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

¹ Shortly after the Report was issued, a letter from Plaintiff to Judge Purcell requesting a hearing [Doc. No. 12] was received and filed in the case record. *See* Motion for Order [Doc. No. 12]. The letter was apparently written before Plaintiff received a copy of the Report, and Plaintiff has not made any subsequent filing.

Further, upon *de novo* consideration of the issues, the Court finds Judge Purcell's analysis is correct. The Court thus concurs in Judge Purcell's recommendation for dismissal without prejudice.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 11] is ADOPTED in its entirety. Plaintiff's action is DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and § 1915A(b)(1). The dismissal shall be counted as a "prior occasion" or strike pursuant to 28 U.S.C. § 1915(g) after Plaintiff has exhausted or waived his right to appeal. A separate judgment shall be entered accordingly.

IT IS SO ORDERED this 12th day of January, 2015.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE