Hobbs v. Fox Doc. 10

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

SAJCHA D. HOBBS,)
Petitioner,)
v.) Case No. CIV-15-91-D
FOX, Warden,)
Respondent.)

ORDER

This matter is before the Court for review of the Report and Recommendation [Doc. No. 8] issued on March 19, 2015, by United States Magistrate Judge Charles B. Goodwin pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). In the Report and Recommendation, the Magistrate Judge recommended that Petitioner's Motions for Leave to Proceed *In Forma Pauperis* [Doc. Nos. 2, 7] be denied. Additionally, the Magistrate Judge recommended that the action be dismissed without prejudice to refiling unless Petitioner paid the requisite \$5.00 filing fee within twenty-one (21) days of any order adopting the Report and Recommendation. The Magistrate Judge specifically advised Petitioner of his right to object to the findings and recommendations set forth therein. He further advised Petitioner that his failure to timely object would constitute a waiver of his right to appellate review of the factual and legal matters in the Report and Recommendation. Petitioner's deadline for filing objections was April 9, 2015.

To date, Petitioner has not filed an objection to the Report and Recommendation or sought an extension of time in which to do so. Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 8] in its entirety and Petitioner's Motions for Leave to Proceed *In Forma Pauperis* [Doc. Nos. 2, 7] are DENIED.

The Court docket further reflects that on April 7, 2015, Petitioner paid the \$5.00 filing fee. *See* Receipt for Payment [Doc. No. 9]. Because Petitioner has timely complied with the Court's directive to pay the \$5.00 filing fee, the matter shall proceed before Magistrate Judge Goodwin pursuant to the Court's previous referral order [Doc. No. 4].

IT IS SO ORDERED this 14th day of April, 2015.

TIMOTHY D. DEGIUSTI

UNITED STATES DISTRICT JUDGE