IN THE UNITED STATES DISTRICT COURT FOR

THE WESTERN DISTRICT OF OKLAHOMA

JEREMY LYNN VATER,   )
)
                Petitioner,   )
)
vs.   )   No. CIV-15-874-W
)
ATTORNEY GENERAL OF THE   )
STATE of NEBRASKA,   )
)
                Respondent.   )

ORDER

On September 15, 2015, United States Magistrate Judge Shon T. Erwin issued a

Report and Recommendation in this matter and recommended that the Court dismiss this

action without prejudice if petitioner Jeremy Lynn Vater did not pay the filing fee in full to

the Clerk of the Court by a certain date. Vater was advised of his right to object to the

Report and Recommendation, see Doc. 9 at 2,[1] but no objections have been filed within

the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's finding

that Vater has sufficient funds to prepay the filing fee of $5.00 and his suggestions that

Vater's request to proceed in forma pauperis be denied and that Vater be ordered to

prepay the filing fee in full for this action to proceed.

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[1]The Clerk of the Court mailed a copy of the Report and Recommendation to Vater's then-current address. The United States Postal Service returned the document. See Doc. 11. By then, Vater had provided the Court with his new address, see Doc. 10, and on September 23, 2015, a copy of the Report and Recommendation was again mailed to Vater, this time to Lexington Assessment and Reception Center.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 9] issued on September 15, 2015;

(2) DENIES Vater's Application for Leave to Proceed in Forma Pauperis [Doc. 2] file-stamped August 12, 2015;

(3) ORDERS Vater to pay the filing fee of $5.00 in full to the Clerk of the Court on or before November 4, 2015, or by that same date show good cause for his failure to do; and

(4) ADVISES Vater that his failure to either pay the filing fee or show good cause in accordance with, and as required by, this Order, shall result in dismissal of this action without prejudice.

ENTERED this 15th day of October, 2015.

LEE R. WEST
UNITED STATES DISTRICT JUDGE