

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

CHARLES HERBERT HALEY, )  
)  
Petitioner, )  
)  
vs. )  
)  
JOE ALLBAUGH, )  
)  
Respondent. )

Case No. CIV-16-331-D

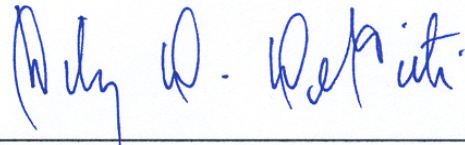
**ORDER**

Petitioner, a state prisoner appearing pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, alleging ineffective assistance of counsel [Doc. No. 1]. As part of his petition, Petitioner filed an Application for Leave to Proceed *In Forma Pauperis* [Doc. No. 2]. The matter was referred to United States Magistrate Judge Shon T. Erwin for initial proceedings pursuant to 28 U.S.C. § 636(b)(1)(B). Upon review of the application, the Magistrate Judge filed his Report and Recommendation wherein he determined Petitioner had sufficient funds to prepay the \$5.00 filing fee and recommended that the application be denied [Doc. No. 5].

In his Report and Recommendation, the Magistrate Judge advised Petitioner of the right to file objections to the same and directed him to file any objections no later than May 5, 2016. The Magistrate Judge further admonished Petitioner that failure to timely object would constitute a waiver of the right to appellate review of the factual

and legal issues addressed in the Report and Recommendation. The deadline for filing objections has expired and to date, Petitioner has not filed an objection or sought an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No. 5] is **ADOPTED** as though fully set forth herein. If the fee is not paid within twenty (20) days of this Order, the action will be dismissed without prejudice and without further notice to Petitioner.

**IT IS SO ORDERED** this 19<sup>th</sup> day of May, 2016.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE