

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

CARLOS BENAVIDEZ,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-16-973-HE
)	
U.S. FEDERAL BUREAU OF)	
PRISONS, et al.,)	
)	
Defendants.)	

ORDER


Plaintiff, a federal prisoner appearing *pro se*, filed this federal civil rights action while in federal custody and was initially granted leave to proceed *in forma pauperis*. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Charles B. Goodwin for initial proceedings. After being released from custody, plaintiff filed an updated application for leave to proceed *in forma pauperis*. Judge Goodwin has issued a Report and Recommendation (the “Report”) recommending that the second application to proceed *in forma pauperis* be denied, that plaintiff be ordered to pay the remainder of his filing fee within twenty-one days of the adoption of the Report, and that the action be dismissed if plaintiff fails to timely pay the fee.

Plaintiff has failed to object to the Report. Plaintiff thereby waives his right to appellate review of the factual and legal issues the Report addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see also* 28 U.S.C. § 636 (b)(1)(C). The court is in substantial agreement with the Report.

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #54]. Plaintiff is order to pay the remaining \$329.08 balance on his filing fee within **twenty-one (21) days** of this order. Failure to timely pay the balance of the filing fee will result in this action being dismissed.

IT IS SO ORDERED.

Dated this 2nd day of January, 2018.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE