

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

MICHAEL STEELE,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-17-186-D
)	
STATE OF OKLAHOMA, <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 pursuant to 28 U.S.C. § 636(b)(1). Upon initial review of Plaintiff’s civil rights complaint concerning his confinement in the Cleveland County Detention Center, Judge Purcell recommends dismissing the action without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) and § 1915A(b). Judge Purcell also provides notice that the dismissal may constitute a “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, although he was expressly advised of the right to object, the deadline for objections, and the consequences of failing to object. 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). Further, upon *de novo* consideration

of the issues, the Court finds Judge Purcell's analysis is correct. The Court thus concurs in the recommendation for dismissal without prejudice.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 7] is ADOPTED. Plaintiff's action is dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) and § 1915A(b). The dismissal shall count 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 17th day of April, 2017.

Handwritten signature of Timothy D. DeGiusti in blue ink.

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE