

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

GARY LYNN GOODWIN, JR.,)
)
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Plaintiff,)
)
)
v.) Case No. CIV-17-670-D
)
)
STATE OF OKLAHOMA,)
)
)
Defendant.)

ORDER

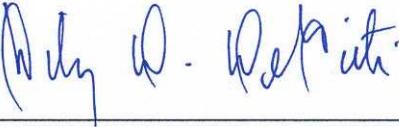
Plaintiff, a *pro se* litigant incarcerated at the Payne County Detention Center in Stillwater, Oklahoma, filed this action on June 19, 2017 [Doc. No. 1]. Plaintiff sought leave to proceed *in forma pauperis* on June 30, 2017 [Doc. No. 7]. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Suzanne Mitchell for initial proceedings, including consideration of the motion to proceed *in forma pauperis*.

On September 5, 2017, Judge Mitchell filed a Report and Recommendation (“Report”) [Doc. No. 10], in which she recommended that this action be dismissed without prejudice because Plaintiff failed to submit the information required to consider his request for *in forma pauperis* status. As Judge Mitchell noted, Plaintiff had been advised of the necessary information several times, but had not complied with the requirements. *See* [Doc. Nos. 8, 9, 10]. Judge Mitchell also granted Plaintiff additional time in which to cure the deficiencies and advised him that his failure to do so would result in a recommendation that this action be dismissed without prejudice. [Doc. Nos. 8, 9].

As set forth in the Report, Plaintiff failed to cure the deficiencies noted. As a result, Judge Mitchell recommended this action be dismissed without prejudice to refiling. Judge Mitchell advised Plaintiff of his right to object and directed that any objection be filed on or before September 25, 2017. Judge Mitchell further advised Plaintiff that any failure to object would result in a waiver of the right to appellate review. The deadline for filing objections has passed. To date, Plaintiff has not filed objections and has not sought an extension of time in which to do so.

Accordingly, Judge Mitchell's Report and Recommendation is ADOPTED as though fully set forth herein. This action is dismissed without prejudice to the filing of a new action. A judgment shall be issued forthwith.

IT IS SO ORDERED this 2nd day of October 2017.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE