

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

DONALD EUGENE COOKS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-17-736-D
)	
P.D. TAYLOR, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff, a state prisoner appearing pro se, brought the present action pursuant to 42 U.S.C. § 1983, alleging violations of his rights under the Eighth Amendment. The matter was referred to United States Magistrate Judge Gary Purcell for initial proceedings consistent with 28 U.S.C. § 636(b). Judge Purcell granted Plaintiff's request to proceed in forma pauperis and advised Plaintiff to forward an initial partial filing fee of \$31.70. Judge Purcell then subsequently issued a Report and Recommendation (R&R) [Doc. No. 7] in which he recommended that Plaintiff's action be dismissed without prejudice for failing to pay the initial partial filing fee or show cause as to why he was unable to do so. Plaintiff timely objected.

When specific objections are made to an R&R, the Court makes a "de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). When a party only makes general objections or simply reiterates his original arguments, the

Court reviews the R&R only for clear error. *See Ankeney v. Hartley*, No. 09-cv-2085, 2010 WL 2004778, at *2 (D. Colo. May 19, 2010) (citing *Manigault v. C.W. Post of Long Island Univ.*, 659 F. Supp. 2d 367, 372 (E.D.N.Y. 2009)).

Upon review of Plaintiff's objection, the Court finds no new basis as to why the Court should deviate from Judge Purcell's recommendation. The Court is mindful of the explanation set forth in Plaintiff's objection, but that does not excuse Plaintiff's failure to, in the first instance, seek an extension of time to pay the filing fee in the prescribed time period or show cause why he was unable to do so. Accordingly, the Report and Recommendation [Doc. No. 7] is **ADOPTED** as though fully set forth herein. A judgment shall be issued forthwith.

IT IS SO ORDERED this 9th day of March 2018.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE