

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

JOSHUA CALVIN FISHBURN,)
)
Plaintiff,)
)
v.)
)
STATE OF OKLAHOMA, et al.,)
)
Defendants.)

Case No. CIV-17-790-D

ORDER

Plaintiff, appearing pro se, brought this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. The matter was referred to United States Magistrate Judge Bernard Jones for initial proceedings under 28 U.S.C. § 636(b) and Rule 72(b), Federal Rules of Civil Procedure. On August 17, 2017, Judge Jones issued a Report and Recommendation (“R&R” or “Report”) [Doc. No. 7] in which he recommended that Plaintiff’s action be dismissed without prejudice for failing to submit the necessary paperwork to prosecute his action.

In his Report, Judge Jones notified Plaintiff of the right to object and directed that any objections be filed on or before September 7, 2017. Judge Jones also advised Plaintiff that failing to object would result in waiver of the right to appellate review of the factual and legal issues addressed in the Report. The deadline for filing objections has passed, and Plaintiff has neither filed an objection nor requested an

extension of time to do so. Accordingly, the R&R is **ADOPTED** as though fully set forth herein.

IT IS SO ORDERED this 18th day of September 2017.

A handwritten signature in blue ink, reading "Timothy D. DeGiusti". The signature is written in a cursive style with a horizontal line underneath it.

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE