

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

JAMES E. CHANEY, JR.,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-17-831-HE
	)	
UNITED PARCEL SERVICE, INC., <i>et al.</i> ,	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff James E. Chaney, Jr. filed this action *pro se* and then filed a motion seeking leave to proceed *in forma pauperis*. The motion was assigned to Magistrate Judge Bernard Jones, who has recommended that the motion be denied because plaintiff has sufficient funds to pay the \$400.00 filing fee. The magistrate judge further recommended that, if plaintiff does not pay the entire filing fee within twenty-one days of any order adopting the Report and Recommendation, that the action be dismissed without prejudice pursuant to LCvR3.3(e).

Plaintiff was advised of his right to object to the magistrate judge's Report and Recommendation, but did not file any response. He thereby waived his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court adopts Magistrate Jones's Report and Recommendation and denies plaintiff's motion for leave to proceed *in forma pauperis* [Doc. #2]. Plaintiff is granted until September 20, 2017, to pay the full \$400.00 filing fee or this action will be dismissed without prejudice.

**IT IS SO ORDERED.**

Dated this 6<sup>th</sup> day of September, 2017.



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JOE HEATON  
CHIEF U.S. DISTRICT JUDGE