

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

SAVORTAE RUNNELS,)
)
Plaintiff,)
)
v.)
)
OKLAHOMA COUNTY)
COMMISSIONERS, *et al.*,)
)
Defendants.)

Case No. CIV-17-1336-D

ORDER

Plaintiff, a prisoner appearing *pro se*, filed this action on December 14, 2017 [Doc. No. 1], seeking relief under 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Shon T. Erwin for initial proceedings.

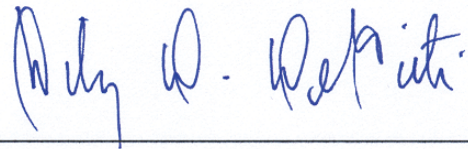
On December 19, 2017, Judge Erwin granted Plaintiff’s Application for Leave to Proceed *In Forma Pauperis* [Doc. No. 2], but ordered Plaintiff to pay an initial partial filing fee of \$40.44 by January 19, 2018. [Doc. No. 5]. Plaintiff was advised that his failure to comply with the Order would result in Judge Erwin recommending dismissal of the action without prejudice. *Id.* at 1.

On January 25, 2018, Judge Erwin filed a Report and Recommendation (“Report”) [Doc. No. 6], in which he recommended that this action be dismissed without prejudice because Plaintiff had failed to pay the partial filing fee. Judge Erwin advised Plaintiff of his right to object and directed that any objection be filed on or before February 12, 2018. Judge Erwin further advised Plaintiff that any failure to object would result in 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 Erwin's Report and Recommendation [Doc. No. 6] 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 6th day of February 2018.

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

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE