

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

ANNOTRA GUYTON,)	
)	
Plaintiff,)	
v.)	Case No. CIV-17-1383-BMJ
NANCY A. BERRYHILL, Acting)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	

ORDER


On January 2, 2018, United Magistrate Judge Bernard M. Jones issued a Report and Recommendation in this action in which Plaintiff applied to proceed in District Court without prepaying fees or costs. The Magistrate Judge determined Plaintiff had the ability to pay the \$400.00 civil case filing fee as Plaintiff asserted she receives \$1300.00 per month in disability or workers compensation payments with no monthly expenses. The Magistrate Judge recommended Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs [Docket no. 2] be denied and if Plaintiff does not pay the filing fee in full within twenty-one days of any order adopting the Report and Recommendation, that this action be dismissed without prejudice to refile. Plaintiff was advised of her right to object to the Report and Recommendation.

On January 12, 2018, Plaintiff filed an objection to the Report and Recommendation in the form of another Application to Proceed in District Court without Prepaying Fees or Costs. [Docket no. 4]. In this Application, Plaintiff states she does not have any disability or workers compensation income. The Court finds the information Plaintiff provided the Magistrate Judge in the first Application is the true and correct information.

Accordingly, upon *de novo* review, the Court:

- (1) ADOPTS the Report and Recommendation [Docket no. 3] issued by the Magistrate Judge on January 2, 2018;
- (2) DENIES Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs [Docket no. 2] and [Docket no. 4]; and
- (3) ORDERS plaintiff to pay the entire \$400.00 filing fee within twenty-one (21) days of the date of this Order. The Court would further advise plaintiff that if the entire filing fee is not paid by the above deadline, this action will be dismissed without prejudice.

IT IS SO ORDERED this 7th day of February, 2018.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE