

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

SALVADOR PEREZ, JR.,)
)
Plaintiff,)
)
v.) **Case No. CIV-21-228-R**
)
P. STUCKEY, et al.,)
)
Defendants.)

ORDER

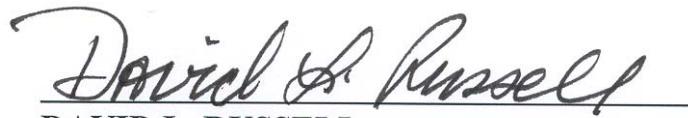
Plaintiff filed this action pursuant to 42 U.S.C. § 1983 seeking a temporary restraining order and preliminary injunction. (Doc. No. 1). Included with his initial filing was a document seeking leave to proceed in forma pauperis. (Doc. No. 2). The case was referred to United States Magistrate Judge Suzanne Mitchell for preliminary review. On March 22, 2021, Judge Mitchell issued a Report and Recommendation wherein she ordered Plaintiff to cure certain deficiencies with regard to his initiating documents, specifically that he did not file a complaint to initiate the action. Judge Mitchell also noted that, although Plaintiff had filed an “Affidavit in Forma Pauperis” he had not used the correct form, nor included the required statement of his inmate trust account. (Doc. No. 6). Plaintiff was granted fourteen days to cure the defects in his initial filings.

On March 31, 2021, Plaintiff filed a document entitled “Amended Complaint” and an Application for Leave to Proceed in Forma Pauperis. (Doc. Nos. 7 and 8). On April 5, 2021, Judge Mitchell granted Plaintiff’s Application for Leave to Proceed in Forma Pauperis and ordered him to pay an initial partial filing fee of \$50.00 not later than April

26, 2021. As noted by the Report and Recommendation, Plaintiff did not pay the filing fee within the time limits set forth therein, nor did he request additional time in which to submit the filing fee. As a result, the Report and Recommendation recommends that the case be dismissed without prejudice.

The record reflects that Plaintiff has not objected to the Report and Recommendation within the time limits prescribed therein nor has he sought an extension of time in which to object. Additionally, he has still not submitted the partial filing fee. Therefore, the Court has no basis for rejecting or modifying the Report and Recommendation in any manner. As such, the Report and Recommendation is ADOPTED and this case is dismissed without prejudice.

IT IS SO ORDERED this 7th day of June 2021.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE