

III. CONCLUSION

For the reasons set forth above, it is recommended that the Petitioner's Motion to Proceed In Forma Pauperis (Docket No. 1) be denied and the case dismissed without prejudice.

In accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, the parties are allowed ten (10) days from the date of service to file objections to this report and recommendation. Any party opposing the objections shall have seven (7) days from the date of service of objections to respond thereto. Failure to file timely objections may constitute a waiver of any appellate rights.

Dated: March 24, 2006

By the Court:

S/ Susan Paradise Baxter
Susan Paradise Baxter
Chief U.S. Magistrate Judge