

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

MATTHEW BAYNARD

v.

CA 13-578 ML

A.T. WALL, Director, Rhode Island
Department of Corrections

ORDER

This matter is before the Court on Magistrate Judge Sullivan's Report and Recommendation issued on September 3, 2013 (Docket #3). No objection has been filed and the time for doing so has passed. This Court adopts the Report and Recommendation in its entirety.

Accordingly, the Court makes the following orders:

1. The Petitioner, on or before October 23, 2013, shall either
 - (a) pay the \$5.00 filing fee, or
 - (b) file a motion for leave to proceed *in forma pauperis*; and,
2. On or before October 23, 2013, Petitioner shall, if he chooses to proceed with this litigation, file an amended petition that addresses the deficiencies outlined in the Report and Recommendation;
3. The Motion to appoint counsel is DENIED.

Failure to make the filings at #1 and #2 shall result in the petition being dismissed.

SO ORDERED:

/s/ Mary M. Lisi
Mary M. Lisi
Chief United States District Judge
September 23, 2013