

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

BERLINDA A. MADDEN,

Plaintiff,

v.

MEGAN J. BRENNAN,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Case No. 1:15-cv-296

Judge Mattice
Magistrate Judge Lee

ORDER

On October 12, 2018, United States Magistrate Judge Susan K. Lee submitted a Report and Recommendation (Doc. 125) pursuant to 28 U.S.C. § 636 and the standing orders of this Court. After Plaintiff Berlinda A. Madden filed a Request to be Placed on a Payment Plan for Appeal (Doc. 121), Magistrate Judge Lee entered an order directing the Clerk’s office to mail an *in forma pauperis* application to Plaintiff and requiring Plaintiff to return the completed application within 10 days. (Doc. 122). Plaintiff timely filed the application. (Doc. 123). Upon review of the application, Magistrate Judge Lee determined that Plaintiff had reported sufficient resources to pay the filing fees after her monthly living expenses were satisfied. Accordingly, Magistrate Judge Lee recommended that the Request to Be Placed on a Payment Plan for Appeal (Doc. 121) and Application to Proceed *In Forma Pauperis* With Supporting Documentation (Doc. 123) be denied.

Magistrate Judge Lee specifically advised Defendant that she had 14 days within which to object to the Report and Recommendation and that failure to do so would waive her right to appeal. (Doc. 125 at 4 n.3); *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting “[i]t does not appear that Congress intended to

require district court review of a magistrate judge’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings”). Magistrate Judge Lee likewise referred Plaintiff to a letter from the United States Court of Appeals for the Sixth Circuit (Doc. 120), advising Plaintiff of her ability to renew her motion for pauper status in the Sixth Circuit if denied by this Court. (*Id.*). Plaintiff did not file an objection to the Report and Recommendation and the time do so has now passed. The Court has nonetheless reviewed the Report and Recommendation as well as the record and agrees with Magistrate Judge Lee’s well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee’s findings of fact and conclusions of law as set forth in the Report and Recommendation (Doc. 125). Plaintiff’s Request to be Placed on a Payment Plan for Appeal (Doc. 121) and Application to Proceed *In Form a Pauperis* With Supporting Documentation (Doc. 123) are **DENIED**.

SO ORDERED this 30th day of October, 2018.

/s/ Harry S. Mattice, Jr.
HARRYS. MATTICE, JR.
UNITED STATES DISTRICT JUDGE