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 UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

DANNY SELLERS,

Plaintiff,

*versus*

CARLOS RIVERA,

Defendant.

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CIVIL ACTION NO. 1:12-CV-460

**MEMORANDUM ORDER ADOPTING THE  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff, Danny Sellers, a prisoner currently confined at FCI Beaumont, proceeding *pro se*, filed this civil rights complaint pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against defendant Carlos Rivera.

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends plaintiff's civil rights action be dismissed pursuant to Federal Rule of Civil Procedure 41(b) as plaintiff failed to pay the initial partial filing fee as ordered.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation have been filed by either party to date. Plaintiff has still yet to pay the initial partial filing fee despite additional time to do so.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case

in accordance with the Magistrate Judge's recommendations.

SIGNED at Beaumont, Texas, this 26th day of February, 2013.

*Marcia A. Crone*

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE