

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

EUGENE A. LAURENT	§	
VS.	§	CIVIL ACTION NO. 1:16-CV-452
MITCH WOODS, <i>et al.</i> ,	§	

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Eugene A. Laurent, a former pretrial detainee at the Jefferson County Correctional Facility, proceeding *pro se*, filed this civil rights complaint pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Zack Hawthorn, 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 for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. Plaintiff filed objections to the Report and Recommendation of United States Magistrate Judge.¹ This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court finds plaintiff's objections lacking in merit. Plaintiff filed a Notice of Compliance/Prisoner Trust Fund Account Statement on November 28, 2016 (docket entry no. 4) along with an affidavit in support of a motion for leave to proceed *in forma pauperis* (docket entry no. 5). In the Notice of Compliance, plaintiff attached a certified copy of his income trust statement, demonstrating plaintiff had a six month average deposit of \$40.84 and a six month average balance of \$15.95. As a result, the Magistrate Judge entered an order assessing an initial

¹The court construes plaintiff's Motion for a Reduction of Fees, Notice of Compliance, and Motion for Leave to Proceed *in forma pauperis* (docket entry nos. 22-24), collectively, as Objections to the Report and Recommendation.

partial filing fee of \$8.16 on January 3, 2017 (docket entry no. 6). Despite ample time to do so, plaintiff has still yet to pay the initial partial filing fee. Although plaintiff filed a Motion for a Reduction of Fees, Notice of Compliance and Motion for Leave to Proceed *In Forma Pauperis* (docket entry nos. 22-24), none of these motions are on the proper inmate application to proceed *in forma pauperis* and none contain a current certified income trust statement demonstrating plaintiff cannot now pay the initial partial filing fee as previously ordered. Plaintiff has had more than enough time to pay the fee and/or provide supporting documentation that he cannot pay the initial partial filing fee. Plaintiff's objections, therefore, are overruled.

ORDER

Accordingly, the objections of plaintiff are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **PARTIALLY ADOPTED** to the extent it recommends dismissal. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So **ORDERED** and **SIGNED** this **22** day of **September, 2017**.



Ron Clark, United States District Judge