

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

DIETRICK LEWIS JOHNSON, SR., #311820 §
VS. § CIVIL ACTION NO. 4:14cv683
COLLIN COUNTY SHERIFF'S DEPT. §

ORDER OF DISMISSAL

This case was referred to United States Magistrate Judge Christine A. Nowak, who issued a Report and Recommendation (Dkt. #33) concluding that Plaintiff's case should be dismissed with prejudice. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Plaintiff filed objections, but only argues that he should not have to pay filing fees since his complaint is being dismissed. However, the Fifth Circuit has made it clear that a prisoner is required to pay the full filing fee *upon the filing of a complaint*, and that no relief should be given from an order directing payment, even when a plaintiff moves for a voluntary dismissal. *Hatchet v. Nettles*, 201 F.3d 651, 654 (5th Cir. 2000) (emphasis added). Having made a *de novo* review of the objections raised by Petitioner to the Report (Dkt. #34), the Court concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court. It is therefore

ORDERED that Plaintiff's complaint is **DISMISSED** with prejudice for purposes of *in forma pauperis* proceedings pursuant to 28 U.S.C. § 1915(g). It is further **ORDERED** Plaintiff's *in forma*

pauperis status is **REVOKED**. All motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 2nd day of March, 2017.

A handwritten signature in black ink, reading "Amos Mazzant". The signature is written in a cursive style with a horizontal line underneath it.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE