

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

MUSTAFA EL SHABAZZ BEY, <i>also</i>	§	
<i>known as</i> NOLAND ROOSEVELT	§	
BYRD	§	
	§	CIVIL CASE NO. 4:23-CV-151-SDJ
VS.	§	
	§	
MICHAEL TANG, ET AL.	§	

ORDER OF DISMISSAL

This case was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation (Dkt. #30) concluding that Plaintiff's lawsuit should be dismissed without prejudice for want of prosecution for Plaintiff's failure to comply with the Court's Order to file a second amended complaint and any request to proceed *in forma pauperis* using his full legal name, Noland Roosevelt Byrd, or, alternatively, to pay all regular filing fees required by the Clerk of Court (\$402.00). Plaintiff filed objections.

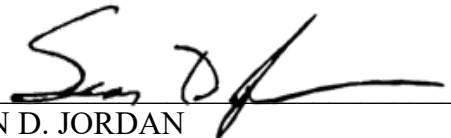
In the objections, Plaintiff continues to urge he does not need to file a second amended complaint and request to proceed *in forma pauperis* using his full legal name, Noland Roosevelt Byrd. However, he has not submitted proof that his name has been legally changed from Noland Roosevelt Byrd to Mustafa El Shabazz Bey under the laws of the United States and/or the State of Texas. Plaintiff has not filed a second amended complaint and request to proceed *in forma pauperis* using his full legal name, Noland Roosevelt Byrd. Nor has Plaintiff paid all regular filing fees required by the Clerk of Court (\$402.00). Plaintiff's objections are without merit.

Plaintiff has not complied with the Court's Order; thus, he has failed to prosecute his case.

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. Having made a *de novo* review of the objections raised by Plaintiff to the Report, 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 amended complaint is **DISMISSED** without prejudice. All motions by either party not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 3rd day of February, 2024.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE