

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

STEVEN WAYNE COOPER, #1495275 §
VS. § CIVIL ACTION NO. 6:16cv703
TEXAS DEPARTMENT OF CRIMINAL §
JUSTICE, ET AL.

ORDER OF DISMISSAL

Plaintiff Steven Wayne Cooper, an inmate confined at the Michael Unit of the Texas prison system, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation (Dkt. #4) concluding that the lawsuit should be dismissed for want of prosecution and failure to obey an order. Mr. Cooper responded by filing a letter, which was docketed as objections (Dkt. #5).

On June 13, 2016, another prisoner, Steven Green filed a lawsuit pursuant to 42 U.S.C. § 1983, complaining about the prison system's failure to compensate inmates for work. *See Green v. Texas Department of Criminal Justice*, Civil Action No. 6:16cv503 (E.D. Tex.). Mr. Cooper, among others, joined as a putative co-Plaintiff in that case. The Court issued an Order in that case, which is also docketed as docket entry #2 in the instant case, severing all of the putative co-Plaintiffs into individual cases and requiring each, including Mr. Cooper, to file his own individual complaint and to either pay the \$400 filing fee or a motion to proceed *in forma pauperis*.

Mr. Cooper never complied with the order; thus, the Report and Recommendation was issued on October 13, 2016. In his response, Mr. Cooper states that he does not remember signing the complaint prepared by Mr. Green. He also states that he is a mental patient and does not understand the Report and Recommendation.

On November 17, 2016, Magistrate Judge Mitchell issued an order (Dkt. #7) giving Mr. Cooper an additional thirty days to file his own individual complaint and to either pay the \$400 filing fee or submit a motion to proceed *in forma pauperis*. He was advised that he could ask the court to dismiss the case. As of today, Mr. Cooper has neither responded nor complied with the order. The case should thus be dismissed for want of prosecution and failure to obey an order.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Mr. Cooper to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and Mr. Cooper's objections are without merit. It is therefore

ORDERED that the complaint is **DISMISSED** without prejudice for want of prosecution and failure to obey an order of the court. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas. All motions not previously ruled on are **DENIED**.

So **ORDERED** and **SIGNED** this 9 day of **January, 2017**.



Ron Clark, United States District Judge