

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**ALAN OKPECHI**  
(TDCJ No. 1941136),

Plaintiff,

v.

**KEVIN BROWN, et al.,**

Defendants.

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Civil Action No. **3:14-CV-4415-L**

**ORDER**

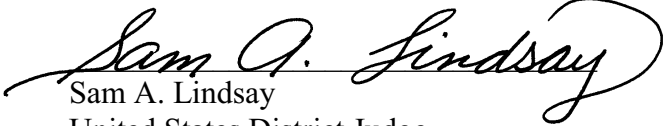
This case was referred for screening to Magistrate Judge David L. Horan, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on March 26, 2015, recommending that the court dismiss without prejudice the action, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute and comply with a court order because Plaintiff failed to pay the requisite filing fee in accordance with the magistrate judge’s October 15, 2014 order. No objections were filed to the Report.

Having reviewed the pleadings, file, record, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** this action, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute and comply with a court order.

The court **certifies** that any appeal of this action would not be taken in good faith and **denies** a certificate of appealability. *See* 28 U.S.C. § 1915(a)(3). In support of this finding, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21

(5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

**It is so ordered** this 20th day of April, 2015.

  
Sam A. Lindsay  
United States District Judge