

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

T.H. HILL,)	
Plaintiff,)	
vs.)	No. 3:15-CV-1311-D
)	
DALLAS COUNTY DISTRICT)	
ATTORNEY'S OFFICE, et al.,)	
Defendant.)	

ORDER

After making an independent review of the pleadings, files, and records in this case, and the May 26, 2015 findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

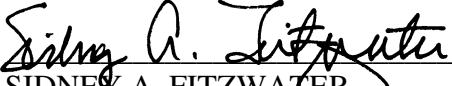
Accordingly, plaintiff's May 5, 2015 application to proceed in district court without prepaying fees or costs is denied. Unless plaintiff pays the filing fee no later than August 27, 2015, this action will be dismissed without prejudice under Fed. R. Civ. P. 41(b) for failure to prosecute this case or to follow a court order.

Plaintiff's filing of a notice of appeal on June 1, 2015 does not deprive this court of jurisdiction to enter this order because plaintiff filed the notice of appeal after the magistrate judge filed her report and recommendation, which is not an appealable order. *See Propes v. Dretke*, 130

Fed Appx. 654, 655 (5th Cir. 2005) (citing *United States v. Cooper*, 135 F.3d 960, 963 (5th Cir. 1998) (“[A] magistrate judge’s report is not an appealable judgment”).).

SO ORDERED.

July 23, 2015.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE