

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

THOMAS STEWART,
TDCJ #571499,

Plaintiff,

v.

UNKNOWN ELLIS COUNTY
SHERIFF’S DEPUTIES, et al.,

Defendants.

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Civil Action No. 3:16-CV-712-L

ORDER

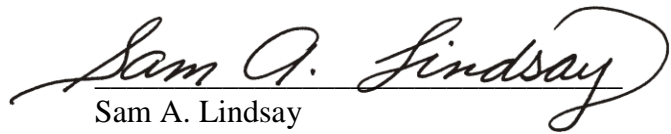
Before the court is Plaintiff Thomas Stewart’s (“Plaintiff”) *pro se* Complaint filed March 14, 2016. The case was referred to Magistrate Judge David L. Horan for screening, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on March 17, 2016, recommending that the court summarily dismiss this action without prejudice pursuant to 28 U.S.C. § 1915(g) unless Plaintiff pays the full filing fee of \$400 within the time for filing objections to the report, or some other deadline established by the court.

Plaintiff timely filed objections to the Report on March 29, 2016, but did not pay the filing fee. In a postscript to his objections, Plaintiff contends that he cannot submit the paperwork to file for leave to proceed *in forma pauperis*. Plaintiff, however, is barred from proceeding *in forma pauperis* unless he shows that he is subject to imminent danger of serious physical injury pursuant to 28 U.S.C. § 1915(g). Plaintiff’s objections fail to show that he is under such a threat.

Having reviewed the file and record in this case and having made a *de novo* review of those portions of the Report to which Petitioner objected, the court determines that the findings and conclusions of the magistrate judge are correct and **accepts** them as those of the court. The court,

therefore, **overrules** Petitioner's objections to the Report. As Plaintiff has had over thirty days to pay his filing fee, the court exercises its discretion and will not establish a later deadline for payment. Accordingly, the court **dismisses** this action **without prejudice** pursuant to 28 U.S.C. § 1915(g).

It is so ordered this 25th day of April, 2016.

A handwritten signature in cursive script that reads "Sam A. Lindsay". The signature is written in black ink and is positioned above the printed name and title.

Sam A. Lindsay
United States District Judge