IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

EDDIE LEE JOHNSON,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	NO. 4:13-CV-842-A
	§	
OFFICER VAZQUEZ, ET AL.	§	
	§	
Defendants.	§	

O R D E R

Plaintiff, Eddie Lee Johnson, who is incarcerated in the Tarrant County Jail, filed the instant complaint pursuant to 42 U.S.C. § 1983, naming as defendants Correctional Officers Vazquez, Bradley, West, Possehi, and Tarpley; Sergeant Olson; Captains Pedigo and Gravitt; and Lieutenant Fowler. Plaintiff neither paid the filing fee nor sought leave to proceed in forma pauperis. The United States Magistrate Judge considered plaintiff's eligibility for in forma pauperis status, and determined that plaintiff has had at least three previous cases dismissed as frivolous. Consequently, the magistrate judge found that plaintiff is barred from proceeding under 28 U.S.C. § 1915 absent certain exceptional circumstances not present here. The magistrate judge recommended that plaintiff not be allowed to proceed in forma pauperis in this action, and also recommended that plaintiff be required to pay the full filing and administrative fees of $400.00 within seven days after this court

made any final determinations concerning plaintiff's in forma pauperis status. The magistrate judge further recommended the undersigned advise plaintiff that failure to pay the filing fee could result in the dismissal of this action without further notice for want of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.[1] The magistrate judge ordered that plaintiff file any objections by November 8, 2013. On November 4, 2013, plaintiff filed a motion requesting an extension of time to file his objections, and in an order signed November 7, 2013, plaintiff was given until November 14, 2013, to file such objections. Plaintiff filed his objections to the magistrate judge's proposed findings and conclusions and his recommendation (the "Objections") on November 7, 2013.

In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of the magistrate judge's order to which specific objection is made. United States v. Raddatz, 447 U.S. 667, 673-75 (1980). The Objections appears to expand on plaintiff's claims in his complaint as well as to discuss claims not asserted in plaintiff's complaint. Although plaintiff alleges in the Objections that "each parties [sic] posses [sic] a threat to my

[1]Rule 41(b) contemplates that a dismissal under it will be on motion of a defendant. However, the court has inherent authority to dismiss, sua sponte, an action for want of prosecution. See Link v. Wabash R.R. Co., 370 U.S. 626, 630 (1962); Jones v. Caddo Parish Sch. Bd., 704 F.2d 206, 214 (5th Cir. 1983).

life and it is in immient [sic] danger of serious physical injury," plaintiff points to no facts relating to the claims asserted in his complaint to support those conclusory allegations. Obj. at 2. The court therefore overrules plaintiff's objections and accepts the magistrate judge's recommendation that plaintiff be denied the right to proceed in forma pauperis in this action.

Therefore,

The court accepts the recommendations of the United States Magistrate Judge and ORDERS that plaintiff be, and is hereby, denied the right to proceed in forma pauperis in this action.

The court further ORDERS that by 4:00 p.m. on November 21, 2013, plaintiff pay to the Clerk of the court the full filing and administrative fees of $400.00.

The court further ORDERS that failure of plaintiff to comply with the terms of this order may result in the dismissal of this action without further notice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

SIGNED November 14, 2013.

JOHN McBRYDE
United States District Judge