

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

OSCAR KING,)
Institutional ID No. 1931044,)
SID No. 07792483,)
Previous TDCJ Nos. 1646104, 1735194,)
)
Plaintiff,)

V.)

OLIVER VASQUEZ, Lieutenant,)
Smith Unit, *et al.*,)
)
Defendants.)

CIVIL ACTION NO.
5:16-CV-027-C
ECF

ORDER

Plaintiff, proceeding *pro se* and *in forma pauperis*, filed a civil rights complaint on February 3, 2016. By Order dated February 26, 2016, this case was transferred to the docket of the United States Magistrate Judge for screening pursuant to 28 U.S.C. §§ 1915 and 1915A. The United States Magistrate Judge entered a Report and Recommendation on January 3, 2016, recommending that the instant complaint be dismissed without prejudice for failure to prosecute. No objections have been filed.

The Court accepts and adopts the findings, conclusions, and recommendation of the Magistrate Judge.

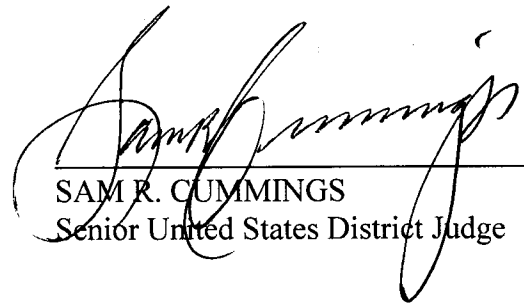
It is, therefore, ORDERED:

- (1) Plaintiff's complaint and all claims alleged therein are dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).
- (2) Any pending motions are denied.

Plaintiff is admonished that if he re-files his civil rights complaint, he must either pay the full filing fee of \$400.00 or file an application to proceed *in forma pauperis* and a certificate of his inmate trust account.

Judgment shall be entered accordingly.

Dated January 20, 2017.



SAM R. CUMMINGS
Senior United States District Judge