

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

PRINCE GEORGE JENNINGS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 5:21-CV-216-H-BQ

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Prince George Jennings, proceeding pro se, filed a complaint against the United States on October 4, 2021, but he did not pay the filing fee or submit an application to proceed in forma pauperis. Dkt. No. 1. In his complaint, Jennings also included a request for the Court to appoint counsel. *Id.* Twice, Judge Bryant ordered Jennings to complete the application to proceed in forma pauperis and to file an amended complaint in compliance with the federal pleading standards. Dkt. Nos. 4; 6. Jennings failed to do either.

Judge Bryant reviewed the complaint and motion to appoint counsel, and he submitted findings, conclusions, and a recommendation to this Court. Dkt. No. 7. Judge Bryant recommends that the Court either (1) dismiss the action without prejudice under Rule 41(b) for failure to comply with the Court's orders or (2) dismiss Jennings's complaint without prejudice for lack of subject-matter jurisdiction. *Id.* at 1. In addition, Judge Bryant recommends that the Court deny as moot Jennings's motion to appoint counsel. *Id.*


Where no specific objections are filed within the 14-day period, the Court reviews the Magistrate Judge's findings, conclusions, and recommendation only for plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996), *superseded by statute*

on other grounds, 28 U.S.C. § 636(b)(1); *Serrano v. Customs & Border Patrol, U.S. Customs & Border Prot.*, 975 F.3d 488, 502 (5th Cir. 2020). Jennings has not filed an objection within the 14-day period.

The Court has examined the record and reviewed the FCR for plain error. Finding none, the Court accepts and adopts the FCR (Dkt. No. 7). The Court specifically finds that Jennings's action is factually frivolous and insubstantial and, therefore, lacks a basis for subject-matter jurisdiction. In doing so, the Court notes that it has provided Jennings with multiple opportunities to amend his complaint and submit an application to proceed in forma pauperis, and he failed to do either.

Accordingly, Jennings's complaint (Dkt. No. 1) and the claims within it are dismissed without prejudice. All relief not expressly granted, and any pending motions are denied.

So ordered on ^{May}~~April~~ 10, 2022.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE