

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

JOHNNY CULP,

Plaintiff,

v.

**TEXAS WORKFORCE COMMISSION
and MARIA FARIAS,**

Defendants.

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Civil Action No. **7:09-CV-0115-O**

ORDER

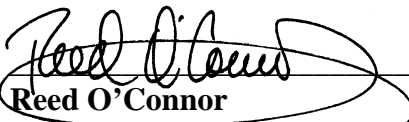
Plaintiff Johnny Culp, proceeding *pro se*, filed this action on July 15, 2009 (doc. 1), along with a Motion for Leave to Proceed In Forma Pauperis. (doc. 2). The Complaint consists of one paragraph, which states: “False statements were made after my interview with Ms. Farias, and also she failed to put the right information down and the rest of what was said during my interview, which could very well make the difference of the outcome of this case.” (doc. 1). After granting the motion to proceed *in forma pauperis*, pursuant to 28 U.S.C. §636(b), and an order of the court in implementation thereof, the case was referred to United States Magistrate Robert K. Roach for screening pursuant to 28 U.S.C. § 1915, a hearing if necessary, and recommendation. (doc. 4). On July 30, 2009, the Magistrate Judge mailed a questionnaire to Plaintiff requiring additional factual information. (doc. 5). On August 31, 2009, Plaintiff responded to the Magistrate Judge’s questionnaire. (doc. 8). On December 4, 2009, the Magistrate Judge sent an additional questionnaire to Plaintiff, in which he stated: “By his response Plaintiff appears to claim that the adverse unemployment compensation determination made by Defendant Maria Farias was the result

of her racial animus. Due to the absence of any alleged factual support for such a claim, I find that additional information from the Plaintiff is necessary[.]” (*Id.*). The docket sheet indicates that the additional questionnaire was mailed to Plaintiff on December 4, 2009, requiring Plaintiff to file a response within thirty (30) days. Plaintiff did not respond to the questionnaire.

On February 18, 2010, the Magistrate Judge filed his Findings and Recommendation (the “Report”), in which he recommended that the court dismiss the case without prejudice for want of prosecution pursuant to Fed. R. Civ. P. 41(b). (doc. 11). Plaintiff did not file any objections to the Report. Further, as of the date of this Order, Plaintiff has not filed any answers to the questionnaire sent him by the Magistrate Judge on December 4, 2009.

After an independent review of the pleadings, file, record, applicable law, and the Magistrate Judge’s findings and recommendation, the court determines that the magistrate judge’s findings and recommendation are correct, and they are hereby **accepted** by the court. Accordingly, the court **dismisses** this case without prejudice for want of prosecution pursuant to Fed. R. Civ. P. 41(b). A judgment shall issue separately.

So ordered this 5th day of March, 2010.


Reed O'Connor
UNITED STATES DISTRICT JUDGE