

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

K.V. MCLEOD,

Plaintiff,

VS.

HERBERT MILLS,

Defendant.

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MISCELLANEOUS ACTION NO. C-08-48

**MEMORANDUM AND RECOMMENDATION TO DENY APPLICATION
FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

Applicant McLeod petitioned the court for leave to proceed *in forma pauperis* (D.E. 1). A hearing on his application was scheduled for Friday, June 27, 2008, at 3:00 p.m. Mr. McLeod was notified of the hearing (D.E. 2, 3), but he failed to appear and failed to notify the court of his inability to appear.

Accordingly, it is recommended that the application for leave to proceed *in forma pauperis* (D.E. 1) be denied and that Mr. McLeod be required to pay the \$350 filing fee within fourteen days.

Respectfully submitted this 30th day of June, 2008.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

The Clerk will file this Memorandum and Recommendation and transmit a copy to each party or counsel. Within **TEN (10) DAYS** after being served with a copy of the Memorandum and Recommendation, a party may file with the Clerk and serve on the United States Magistrate Judge and all parties, written objections, pursuant to Fed. R. Civ. P. 72(b), 28 U.S.C. § 636(b)(1)(C) and Article IV, General Order No. 80-5, United States District Court for the Southern District of Texas.

A party's failure to file written objections to the proposed findings, conclusions, and recommendation in a magistrate judge's report and recommendation within TEN (10) DAYS after being served with a copy shall bar that party, except upon grounds of *plain error*, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. Douglass v. United Services Auto Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc).