

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

WILLIAM L. GARRETT, JR.,

Plaintiff,

v.

Civil Action No. 2:08-1150

DENVER RUSSELL, MARK CRAWFORD,  
PAUL LYTTLE, JANET PAYNE,  
JOHN C. YOUNG, BRIAN GREENWOOD,  
MR. BOSTIC, MR. MIKE SAWYER,  
MR. PAUL PERRY, CCO MAJOR ROBERT RHODES,  
DAVID BALLARD, LARRY PETTEY, and  
KATHY DILLION,,

Defendants.

MEMORANDUM OPINION AND ORDER

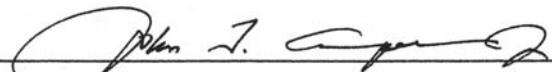
This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who submitted her Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) on October 21, 2008, recommending that the court deny the plaintiff's application to proceed without prepayment of fees and costs. The magistrate judge further recommended that the action should be dismissed with prejudice if the plaintiff failed to pay the filing fee of \$350.00 within a reasonable time. The court adopted the recommendations of the magistrate judge by memorandum opinion and order entered on December 10, 2008. Since the entry of the memorandum opinion and order, there has been no activity in this

action.

Inasmuch as the plaintiff has failed to pay the filing fee, it is ORDERED that this action be, and it hereby is, dismissed.

The Clerk is directed to forward copies of this order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: March 17, 2009

  
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John T. Copenhaver, Jr.  
United States District Judge