

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

WENDELL L. PETTRY,

Plaintiff,

v.

Civil Action No. 2:11-0394

WARDEN DAVID BALLARD,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B).

The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on August 17, 2011. The magistrate judge recommends dismissal of plaintiff's complaint based upon his failure to pay the necessary filing fee. The plaintiff has not objected to the Proposed Findings and Recommendation. The court concludes the recommended disposition is correct.

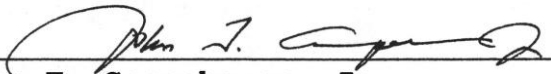
Based upon the foregoing discussion, it is,
accordingly, ORDERED:

1. That the Proposed Findings and Recommendation be, and
it hereby is, adopted by the court; and

2. That this action be, and it hereby is, dismissed
without prejudice.

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

DATED: September 23, 2011



John T. Copenhaver, Jr.
United States District Judge