

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ANTTWAIN M. DUNLAP,

Plaintiff,

v.

CIVIL ACTION NO. 1:06CV143

D. GILL, Warden, and HARLEY LAPPIN,
Director of the Bureau of Prisons,

Defendant.

**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

On September 26, 2006, the *pro se* plaintiff, Anttwaine M. Dunlap ("Dunlap"), initiated the above-styled case by filing a motion for injunctive relief and a motion for leave to proceed *in forma pauperis*. That same day, the Clerk's Office sent Dunlap a Notice of Deficient Pleading advising him that failure to complete and return the enclosed Prisoner Trust Account Report form and Consent to Collection of Fees form could result in the dismissal without prejudice of his case.

The required forms were not returned, and, on May 3, 2007, United States Magistrate Judge James E. Seibert ordered Dunlap to show cause within ten days as to why his case should not be dismissed. Dunlap filed no response, and, on June 26, 2007, the magistrate judge issued a Report and Recommendation recommending that this civil action be dismissed without prejudice for Dunlap's

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failure to prosecute.

The R&R also specifically warned that failure to object to the recommendation would result in the waiver of any appellate rights on this issue. The parties filed no objections, however, thereby relieving this Court of any obligation to conduct a *de novo* review of the issues presented. Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997). Consequently, the Court **ADOPTS** Magistrate Judge Seibert's Report and Recommendation in its entirety, and **DISMISSES WITHOUT PREJUDICE** this civil action from the Court's docket.¹

The Clerk is directed to mail a copy of this Order to the pro se petitioner via certified mail, return receipt requested at the address listed on the Bureau of Prison's website (<http://www.bop.gov>) under the Inmate Locator function and to counsel of record.

Dated: July 17, 2007.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ Parenthetically, the Court notes that although he failed to provide a notice of change of address to the Clerk's Office as required by the Court's guideline's for appearing *pro se* in federal court, a check of the Bureau of Prison's Inmate Locator ([see http://www.bop.gov](http://www.bop.gov)) reveals that Dunlap is now incarcerated at USP Pollock. Since Dunlap sought transfer from USP Hazleton in his motion for injunctive relief, if prosecuted, that motion would be moot.