

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

JAMES RAMAGE,

Plaintiff,

vs.

CIVIL ACTION NO. 1:11CV97

**MARION COUNTY SHERIFF OFFICER GERARD,
MARION COUNTY SHERIFF OFFICER BEARDEN,
MARION COUNTY SHERIFF CARPENTER,
MEMBER OF MARION COUNTY COMMISSION,**

Defendants.

REPORT AND RECOMMENDATION/OPINION

On June 17, 2011, in conjunction with filing a complaint against the above named Defendants, *pro se* Plaintiff filed a document that was construed and filed as a motion for leave to file and proceed *in forma pauperis* [Docket Entry 2]. The Clerk mailed Plaintiff a Notice of General Guidelines and an Amended Notice of General Guidelines, on June 17, 2011, and June 21, 2011, respectively [Docket Entries 3 and 4]. Plaintiff accepted the Amended Notice of General Guidelines on June 27, 2011, at the address provided by Plaintiff on his complaint; however, Plaintiff did not, in conformance with the Amended Notice, request a *pro se* packet from the Clerk and no other activity occurred in this case until the undersigned entered an order dated April 27, 2012, denying Plaintiff's motion for leave to file and proceed *in forma pauperis* [Docket Entry 7]. This Court's April 27, 2012, Order was mailed to Plaintiff, via certified mail; the return receipt was dated May 8, 2012 [Docket Entry 8].

28 U.S.C. §1914(a) reads as follows:

The Clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of \$350

As of the date of this Report and Recommendation/Opinion, Plaintiff has not paid a filing fee.

Additionally, in this Court's April 27, 2012, Order, the undersigned ordered Plaintiff to comply with the Federal Rules of Civil Procedure by obtaining a summons from the Clerk of the Court for

each defendant whom he sought to serve, completing the summonses, and resubmitting the completed summonses to the Clerk for signature within thirty (30) days of the his receipt of the April 27, 2012, Order. The Court further informed Plaintiff that failure to comply would result in this Court's recommending dismissal of this civil action to the District Judge. As noted above, Plaintiff received a copy of the undersigned's April 27, 2012, Order on May 8, 2012 [Docket Entry 8]. As of this date, Plaintiff has not complied with this Court's April 27, 2012, Order.

RECOMMENDATION

For the above reasons, the undersigned respectfully **RECOMMENDS** that Plaintiff's Complaint (Docket Entry 1) be **DISMISSED** without prejudice for failure to pay the filing fee as required by 28 U.S.C. § 1914(a) and failure to comply with the undersigned's April 27, 2012, Order.

Any party may, within fourteen (14) days after being served with a copy of this Report and Recommendation, file with the Clerk of the Court written objections identifying the portions of the Report and Recommendation to which objection is made and the basis for such objection. A copy of such objections should also be submitted to the Honorable Irene M. Keeley, United States District Judge. Failure to timely file objections to the Report and Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Report and Recommendation. 28 U.S.C. § 636(b)(1); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); Thomas v. Arn, 474 U.S. 140 (1985).

The Clerk of the Court is directed to send a copy of this Report and Recommendation/Opinion to Plaintiff.

DATED: July 26, 2012

John S. Kaul
JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE