

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

JERRY ALLEN,)
Institutional ID No. 1258127,)
SID No. 7216382,)
)
Plaintiff,)
)
V.)
)
EDDIE WHEELER, Warden,)
<i>et al.</i> ,)
)
Defendant(s).)

CIVIL ACTION NO.
1:13-CV-103-C
ECF

ORDER

The United States Magistrate Judge entered a Report and Recommendation on October 10, 2013, recommending that the District Court grant Plaintiff's letter motion to dismiss filed October 7, 2013, and dismiss Plaintiff's complaint.

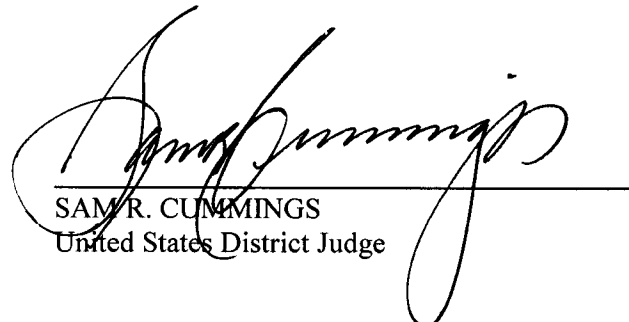
The Court accepts and adopts the findings, conclusions, and recommendation of the Magistrate Judge.

It is, therefore, ORDERED:

- (1) Plaintiff's letter motion to dismiss filed October 10, 2013 is GRANTED.
- (2) Plaintiff's complaint and all claims alleged therein are dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).
- (3) Any pending motions are denied.

Plaintiff is admonished that if he re-files his civil rights complaint, he must either pay the full filing fee of \$350.00 or file an application to proceed *in forma pauperis* and a certificate of his inmate trust account.

Dated October 17, 2013.



SAM R. CUMMINGS
United States District Judge