IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ALFONZO GOLDSMITH, JR., # 187932,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 2:17cv754-WHA
	)	(WO)
PHYLLIS J. BILLUPS, *et al.,*	)	
	)	
Respondents.	)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

On November 9, 2017 (Doc. No. 3), this court entered an order directing that by November 29, 2017, the petitioner either submit the $5.00 filing fee or file the appropriate affidavit in support of a motion for leave to proceed *in forma pauperis* ("IFP") in this habeas corpus action. The petitioner was specifically cautioned that his failure to comply with the court's order would result in a recommendation that this case be dismissed. Doc. No. 3 at 2.

The requisite time has passed without the petitioner submitting the filing fee or filing an affidavit in support of a motion for leave to proceed IFP. Consequently, the court concludes that dismissal of this case is appropriate for the petitioner's failure to comply with the court's orders.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be DISMISSED without prejudice for the petitioner's failure to comply with the orders of this court.

It is further

ORDERED that the parties shall file any objections to this Recommendation on or before December 27, 2017. Any objections filed must specifically identify the factual findings and legal conclusions in the Magistrate Judge's Recommendation to which the parties object. Frivolous, conclusive or general objections will not be considered by the District Court. Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar a party from a *de novo* determination by the District Court of factual findings and legal issues covered in the report and shall "waive the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions" except upon grounds of plain error if necessary in the interests of justice. 11th Cir. R. 3-1; *see Resolution Trust Co. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

DONE, this 13th day of December, 2017.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
CHIEF UNITED STATES MAGISTRATE JUDGE