

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**CHRISTOPHER DONNYIEL  
COLBERT,**

**Plaintiff,**

**v.**

**JOHN HAMM, *et al.*,**

**Defendants.**

**Case No. 2:23-cv-0448-RDP-SGC**


**MEMORANDUM OPINION**

On June 20, 2023, the Magistrate Judge entered a Report and Recommendation recommending this action be dismissed because the court had not received an initial partial filing fee or Prisoner Consent Form from Plaintiff, Christopher Donnyiel Colbert. (Doc. 5). Colbert timely objected to the Report and Recommendation, claiming that on June 2, 2023, he submitted to the William E. Donaldson business office a request slip and self-addressed envelope to submit the filing fee. (Doc. 6). He argues this action should not be dismissed because the Donaldson business office, rather than Colbert, was the one who failed to timely submit the initial partial filing fee.

After making those assertions, Colbert was given an additional thirty days to submit his Prisoner Consent Form and either the initial partial filing fee or an affidavit identifying the person who refused to submit the fee, the date of the refusal, and describing the exact response he received. (Doc. 7). He was cautioned that if he failed to comply with the order, his case would be dismissed without further notice for failure to prosecute. (Doc. 7). The deadline has passed, but the court has not received Colbert's Prisoner Consent Form, his initial partial filing fee, or the above-described affidavit.

After considering the record and the Magistrate Judge's Report and Recommendation, the court **OVERRULES** Colbert's objection (Doc. 6) and **ADOPTS** the Magistrate Judge's Report and **ACCEPTS** the recommendation. (Doc. 5). Consistent with that recommendation, the court will enter a separate order dismissing this action without prejudice because Colbert has failed to prosecute his claims.

**DONE** and **ORDERED** this August 24, 2023.

  
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**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE