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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

DARSHAWN WITHERSPOON,)
)
 Plaintiff,)
 vs.)
)
)
 AARON T. ROBERTS,)
)
 Defendant.)
 _____)

Case No. 10-2043-JAR

Lead Case No. 09-2057

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Darshawn Witherspoon filed this civil action pursuant to 42 U.S.C. § 1983 on January 25, 2010, along with an application for leave to file this action without payment of fees or security, i.e., *in forma pauperis* (IFP) (Doc. 3). On January 26, 2010, United States Magistrate Judge James P. O'Hara issued a Report and Recommendation denying plaintiff's IFP application (Doc. 6). Fourteen days having passed, and no written objections being filed to the proposed findings and recommendations filed by Magistrate Judge O'Hara, and after a *de novo* determination upon the record pursuant to Fed. R. Civ. P. 72(b), the Court accepts the recommended decision and adopts it as its own.

IT IS THEREFORE ORDERED BY THE COURT that the Court adopts the Report and Recommendation of the magistrate judge as its own. Plaintiff shall pay the filing fee of \$350.00 **on or before March 15, 2010**. Plaintiff is advised that failure to pay the fee will result in dismissal of his case, without prejudice.

IT IS SO ORDERED.

Dated: March 1, 2010

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE