

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

KRISTIN LEE SHEPHERD,

Plaintiff,

v.

RIVERSIDE TRANSPORT INC.,

Defendant.

Case No. 19-cv-2058-CM-JPO

MEMORANDUM & ORDER

On February 4, 2019, United States Magistrate Judge James P. O’Hara entered a Report and Recommendation (Doc. 5), recommending that this court (1) deny plaintiff’s Motion For Leave To Proceed *In Forma Pauperis* (Doc. 3) and (2) if plaintiff does not, over the course of three equal monthly installments or less, pay the required filing fee for this civil action, dismiss this case without prejudice. Plaintiff had until February 19, 2019, to file any written objections to the Report and Recommendation. *See* Fed. R. Civ. P. 72(b)(2) (requiring a party to file any objections to a recommended disposition within 14 days); 28 U.S.C. § 636(b)(1) (same); Fed. R. Civ. P. 6(a)(1)(C) & (6)(A) (directing that a time computation that ends on a legal holiday—here, Washington’s Birthday—shall continue to run until the end of the next day). Plaintiff has filed no objections to Judge O’Hara’s recommended disposition.¹

The court has reviewed the Report and Recommendation of Judge O’Hara and fully agrees with the analysis and conclusions reached. Because plaintiff presented no timely objection, and because the court agrees with Judge O’Hara’s recommendations, the court adopts in full the Report and

¹ Generally, a failure to timely object to a Report and Recommendation precludes any appellate review of the disposition of the case or motion. *Morales-Fernandez v. INS*, 418 F.3d 1116, 1119 (10th Cir. 2005) (“This court has adopted a firm waiver rule under which a party who fails to make a timely objection to the magistrate judge’s findings and recommendations waives appellate review of both factual and legal questions.”).

Recommendation. The court denies plaintiff's motion to proceed *in forma pauperis*. Further, a February 8, 2019, docket entry reflects that plaintiff has already fully paid the filing fee. As such, the court determines that dismissal without prejudice is inappropriate at this point.

IT IS THEREFORE ORDERED that the court adopts in its entirety the Report and Recommendation filed by Judge O'Hara (Doc. 5). Plaintiff's Motion For Leave to Proceed *In Forma Pauperis* (Doc. 3) is denied.

Dated March 4, 2019, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge