UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY SOUTHERN DIVISION LONDON

FONSO L. WIRES,)
Plaintiff,) Civil Action No. 08-342-ART
VS.)
WARDEN D.L. STINE, et al.,) MEMORANDUM OPINION AND) ORDER
Defendants.))

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Fonso L. Wires is currently incarcerated in the Federal Penitentiary-McCreary located in Pine Knot, Kentucky. On October 23, 2008, Wires, sent a letter to the Clerk of the Court requesting blank forms to file a civil rights action and a habeas corpus petition, as well as a motion seeking an injunction requiring the prison to "upgrade" its law library. R. 2.

The Court entered an Order on November 5, 2008, advising Wires that his request for injunctive relief must be raised in the context of a civil rights action under 28 U.S.C. § 1331 pursuant to the doctrine announced in *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971). R. 4. The Court directed the Clerk of the Court to provide Wires with the appropriate form and directed Wires to complete the form and pay the appropriate filing fee within 30 days. *Id.* The Order further advised Wires that the Court would dismiss this case for lack of prosecution if he failed to take these steps. *Id.*

More than 30 days has passed since the Court's previous Order, R. 4, and Wires has not paid the appropriate filing fee, filed any complaint, or responded in any way.

Accordingly, IT IS ORDERED that:

The Plaintiff's Complaint, R. 2, is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and for failure to comply with an Order of the Court. *See* FED. R. CIV. PROC.
41(b); *see also Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991).

2. Judgment shall be entered contemporaneously with this Memorandum Opinion and Order.

This the 5th day of January, 2009.



Signed By: Amul R. Thapar

United States District Judge