

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

GEORGE JONES

PLAINTIFF

v.

CIVIL ACTION NO. 3:10-CV-P271-S

MARION ADJUSTMENT CENTER et al.

DEFENDANTS

MEMORANDUM OPINION

By prior Order (DN 8), this Court denied Plaintiff's application to proceed without prepayment of fees due to the three-strikes provision in 28 U.S.C. § 1915(g). The Court ordered that Plaintiff pay the \$350 filing fee for this action within 30 days of entry of its Order and that failure to pay the filing fee will result in dismissal of the instant action.

More than 30 days have passed since the Court entered its Order, and Plaintiff has not paid the filing fee. Since Plaintiff failed to pay the \$350 filing fee, the Court, by separate Order, will dismiss this action pursuant to Fed. R. Civ. P. 41(b) for failure to comply with a prior Order of this Court and failure to prosecute.

Plaintiff remains obligated to pay the filing fee in full notwithstanding his failure to comply with the prior Order of this Court. *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997) ("We conclude that by *filing* the complaint or notice of appeal, the prisoner waives any objection to the fee assessment by the district court.") (emphasis added).

Date: **June 22, 2010**



**Charles R. Simpson III, Judge
United States District Court**

cc: Plaintiff, *pro se*
4411.009