

In this case, Busby's failure to pay the initial partial filing fee or to show good cause for the failure to do so is not an action which threatens the judicial process, and so dismissal with prejudice would not be warranted. The imposition of fines and costs is not appropriate given the status and nature of this case. The incidents complained of began in September of 2012, and so Busby has ample time in which to re-file his lawsuit, should he choose to do so, within the two-year limitations period. Upon consideration of all relevant factors, it is hereby

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to prosecute or to obey an order of the Court. Rule 41(b), Fed. R. Civ. P. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby DENIED.

So ORDERED and SIGNED this 26th day of August, 2013.



K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE