

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**DAMIANE EARL CUNNING, ADC #151377**

**PLAINTIFF**

**V.**

**CASE NO. 4:12CV00171 SWW/BD**

**DAVID JOHNSON, et al.**

**DEFENDANTS**

**ORDER**

On March 15, 2012, Plaintiff Damiane Earl Cunning filed this case *pro se* under 42 U.S.C. § 1983. (Docket entry #1). However, he did not pay the \$350.00 filing fee to initiate this action; nor did he file an application to proceed *in forma pauperis*.

By Order of March 19, 2012, Mr. Cunning was directed to pay the filing fee or to submit an *in forma pauperis* application within thirty days. (#3) On April 27, 2012, Mr. Cunning filed an incomplete application for leave to proceed *in forma pauperis*. (#5) On May 2, 2012, he was again ordered to pay the filing fee or to submit a complete *in forma pauperis* application within 30 days. (#6) He was warned that failing to comply with the Court's Order could result in dismissal of his lawsuit.

Mr. Cunning has not filed a complete application or paid the filing fee, as ordered. Therefore, his Complaint is dismissed, without prejudice, under Local Rule 5.5(c)(2), for failing to satisfy the filing fee requirement.

IT IS SO ORDERED this 14<sup>th</sup> day of June, 2012.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE