

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**KINGRALE COLLINS
ADC #SK945**

PLAINTIFF

v.

5:10-CV-00290 BSM/JTR

J. BANKS

DEFENDANT

ORDER

Plaintiff commenced this *pro se* 42 U.S.C. § 1983 action alleging that defendant violated his constitutional rights. [Doc. No. 1]. On September 29, 2010, plaintiff was given thirty days to either: (1) pay the \$350 filing fee in full; or (2) file an application to proceed *in forma pauperis*, along with a prisoner calculation sheet. [Doc. No. 2]. Plaintiff was advised that the failure to timely and properly do so would result in the dismissal of his case, without prejudice, pursuant to Local Rule 5.5(c)(2). *Id.* As of the date of this order, plaintiff has failed to comply with the September 29, 2010, order, and the time for doing so has expired.

IT IS THEREFORE ORDERED THAT:

1. Pursuant to Local Rule 5.5(c)(2), this case is **DISMISSED, WITHOUT PREJUDICE**, due to plaintiff's failure to timely and properly comply with the September 29, 2010, order.
2. It is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this order of dismissal and the accompanying judgment would not be taken in good faith.

IT IS SO ORDERED THIS 30th day of December, 2010.

Brian J. Miller

UNITED STATES DISTRICT JUDGE