

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

PATRICK SHERMAN
ADC #96304

Plaintiff,

v.

RAY HOBBS, Director, Arkansas
Department of Correction; JEFFERSON
COUNTY; JODI RAINES DENNIS, Circuit
Judge, Jefferson County; and ROBERT H.
WYATT, JR., Circuit Judge, Jefferson
County

Defendants.

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No. 5:11-cv-00056-SWW

ORDER

Plaintiff, Patrick Sherman, is an inmate in the Maximum Security Unit of the Arkansas Department of Correction. On March 8, 2011, he filed a *pro se* Complaint pursuant to 42 U.S.C. § 1983, with an Application to Proceed Without Prepayment of Fees and Affidavit (Affidavit). (Doc. Nos. 1, 2). Because Plaintiff had at least three prior complaints dismissed for failure to state a claim and was not in imminent danger of serious physical injury, the Court entered an Order on March 31, 2011, denying Plaintiff’s Application and ordering Plaintiff to submit the statutory filing fee within ten days of the date of the order. (Doc. No. 3). Thereafter, Plaintiff filed a Motion for Extension of Time to File Response/Reply to the Court’s March 31 Order and Objections to the Order. (Doc. Nos. 5, 6). On May 20, 2011, an Order was entered (Doc. No. 7) denying Plaintiff’s Motion for Extension of Time as moot and ordering Plaintiff to submit the statutory filing fee within ten days of the date of the Order. Plaintiff was warned that his failure to comply with the Order would result in a dismissal without prejudice of his Complaint.

The ten day period has long since past and Plaintiff has failed to submit the \$350 statutory

filing fee. Plaintiff's Complaint (Doc. No. 2) is, thereby, DISMISSED without prejudice.

IT IS SO ORDERED this 1st day of July 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE