

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

**BRANDON WATERS,
ADC #148641**

PLAINTIFF

v.

Case No. 5:13-cv-145 KGB/JTR

**JOHN FELTS,
Chairman of the Parole Board, et al.**

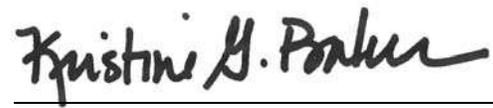
DEFENDANTS

ORDER

On June 28, 2013, Brandon Waters filed a motion to dismiss voluntarily this *pro se* § 1983 action and a request to release him from paying the filing fee in installments (Dkt. No. 6). By prior Order dated May 22, 2013, this Court directed Mr. Waters to pay the filing fee in installments (Dkt. No. 3). Soon thereafter, Mr. Waters sent the Court a letter renewing his constitutional challenges to the prison's substance abuse treatment program (Dkt. No. 7). Thus, it is unclear whether he still intends to dismiss this case.

Mr. Waters must file, on or before September 16, 2013, a statement clarifying whether he would like to dismiss all or part of the claims raised in his complaint. If Mr. Waters chooses to dismiss this case, he must, nevertheless, pay the filing fee in installments. *See Williams v. Harmon*, 2008 WL 4331125 (8th Cir. Sept. 24, 2008) (holding that a trial court was not authorized to direct prison officials to refrain from collecting the filing fee for a case that was dismissed prior to service); *In Re Tyler*, 110 F.3d 528, 529-30 (8th Cir. 1997) (explaining that prisoners are responsible for paying the filing fee the moment a civil action is filed). Finally, Mr. Waters is reminded that this case may be dismissed without prejudice pursuant to Local Rule 5.5(c)(2) in the event he fails to comply with this Order.

SO ORDERED this 19th day of August, 2013.

Handwritten signature of Kristine G. Baker in black ink.

Kristine G. Baker
United States District Judge