

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

**BRUNSON ROBERTS  
ADC #127841**

**PLAINTIFF**

**v.**

**CASE NO. 5:14CV00164 BSM**

**ANTHONY JACKSON, Captain, et al.**

**DEFENDANTS**

**ORDER**

Plaintiff Brunson Roberts's motion to voluntarily dismiss [Doc. No. 9] this case is granted. *See* Fed. R. Civ. P. 41(a)(1). The case is dismissed without prejudice, and all pending motions are denied as moot.

Roberts's request to refund or waive his filing fee is denied, because the Eighth Circuit has clarified that the filing fee is due the moment a lawsuit is filed, even if the case is dismissed prior to service. *See Williams v. Harmon*; Case No. 07-3800, 2008 WL 4331125 (8th Cir. Sept. 24, 2008); *In Re Tyler*, 110 F.3d 528, 529-30 (8th Cir. 1997). If Roberts wishes to pursue his claims now that he has fully exhausted his administrative remedies, he must file a new § 1983 complaint, application to proceed *in forma pauperis*, and prisoner calculation sheet. The clerk is directed to mail Roberts those forms.

IT IS SO ORDERED this 25th day of August 2014.

  
UNITED STATES DISTRICT JUDGE