

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

TYLER WAYNE YEAKLEY

PLAINTIFF

v.

Civil No. 5:17-cv-05259

DR. ROBERT KARAS; and
ALL MEDICAL STAFF

DEFENDANTS

OPINION AND ORDER

Plaintiff filed this civil rights action pursuant to 42 U.S.C. §1983. He proceeds *pro se* and has submitted an application (ECF No. 2) to proceed *in forma pauperis* (IFP).

When he filed this case on December 13, 2017, Plaintiff was directed (ECF No. 3) to file an amended complaint by December 29, 2017. Plaintiff was advised that failure to comply with the Order of the Court would subject the case to dismissal.

To date, Plaintiff has not filed the amended complaint. No mail has been returned as undeliverable. Plaintiff has not requested an extension of time to file the amended complaint or otherwise communicated with the Court.

This case is **DISMISSED WITHOUT PREJUDICE** based on the Plaintiff's failure to obey the Order of the Court and his failure to prosecute this case. Fed. R. Civ. P. 41(b).

Despite the dismissal of the Complaint, the Plaintiff remains liable for the \$350 filing fee under the provisions of the Prison Litigation Reform Act (PLRA). *In re Tyler*, 110 F.3d 528, 529 (8th Cir. 1997)(“PLRA makes prisoners responsible for their filing fees the moment the

prisoner brings a civil action or files an appeal”). The IFP application (ECF No. 2) is DENIED.

However, the Clerk is directed to collect the \$350 filing fee from the Plaintiff.

IT IS SO ORDERED on this 5th day of January 2018.

P. K. Holmes, III

P. K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE