

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES ARTHUR BIGGINS,)	
)	
Plaintiff,)	
)	
v.)	Civ. Action No. 11-388-GMS
)	
PERRY PHELPS, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

At Wilmington this 30th day of Jun, 2012;

WHEREAS, the plaintiff filed a civil rights action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee;

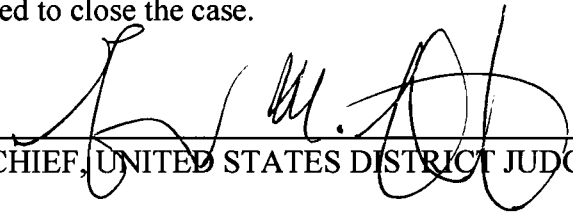
WHEREAS, on June 15, 2011, the court entered an order denying leave to proceed *in forma pauperis* because the plaintiff had three prior suits dismissed as frivolous or for failure to state a claim upon which relief may be granted, and the instant complaint does not allege an imminent threat of physical injury (D.I. 3);

WHEREAS, the plaintiff filed a motion for reconsideration, denied by the court on July 22, 2011 (D.I. 5);

WHEREAS, the plaintiff was given until thirty days from the date of the July 22, 2011 order to pay the filing fee and was warned that failure to pay the filing fee within the required time would result in dismissal of the case pursuant to 28 U.S.C. § 1915(g);

WHEREAS, the time has lapsed and the plaintiff has not paid the \$350.00 filing fee owed to this court;

THEREFORE, IT IS HEREBY ORDERED that the plaintiff's complaint is **DISMISSED** without prejudice. The clerk of court is directed to close the case.



CHIEF, UNITED STATES DISTRICT JUDGE