

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

THOMAS G. DESPART,

Plaintiff,

v.

Case No: 2:17-cv-354-FtM-99MRM

RICK SCOTT, MIKE CAROL, JERRY
BOYAL and DONALD SAWYER,

Defendants.

OPINION AND ORDER¹

This matter comes before the Court upon the periodic review of the file. On June 23, 2017, this Court issued a standing order explaining that a pro se plaintiff held in confinement has thirty days from the date the action is initiated to either pay the filing fee or move for leave to proceed in forma pauperis (IFP). ([Doc. #4](#)). As the Order stated, under Local Rule 1.03(e) (M.D. Fla. 2010), the case is subject to dismissal sua sponte if the filing fee is not paid or the application is not filed within thirty days of commencement of the action.

Plaintiff did timely move the Court for leave to proceed IFP, which was granted on July 28, 2017. At that time Plaintiff was assessed a \$14.00 filing fee. More than thirty

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days have passed since the Plaintiff was assessed the \$14.00 filing fee and to date Plaintiff has failed to pay. Since Plaintiff has failed to pay the filing fee within thirty days of the assessment, this action is due to be dismissed under the terms of the Court's Order and Local Rule 1.03(e).

Accordingly, it is now

ORDERED:

1. Plaintiff's Complaint ([Doc. #1](#)) is hereby **DISMISSED** without prejudice for the reasons stated herein.
2. The Clerk of the Court shall enter judgment accordingly, terminate any pending motions and deadlines, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 21st day of September, 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record