

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

KEVIN M. TAYLOR,
Plaintiff,

vs.

Case No. 5:09cv304/RS/MD

B. GORDAN, et al.,
Defendants.

ORDER

This cause is before the court upon plaintiff's response to an order to show cause issued on January 26, 2010 (doc. 10).

On October 9, 2009 this court entered an order (doc. 6) granting plaintiff leave to proceed *in forma pauperis* and assessing an initial partial filing fee of \$8.33 to be paid within thirty days. Thirty days elapsed, and plaintiff did not pay the initial partial filing fee.

Accordingly, on November 18, 2009 this court entered an order (doc. 7) directing plaintiff to show cause why his case should not be dismissed for failure to comply with an order of the court. Plaintiff responded (doc. 8) by submitting an updated account statement from his inmate trust account. The court noted that although the account statement revealed that plaintiff had only \$0.72 in his account and had not received a deposit since July 14, 2009, prior to plaintiff commencing this action on September 4, 2009 he had received regular deposits into his inmate trust account. (See Doc. 9, referencing doc. 5). Accordingly, the court declined to modify the initial partial filing fee, but granted plaintiff an extension of time in which to pay it.

The extended time passed, and plaintiff did not pay the initial partial filing fee. Accordingly, on January 26, 2010, the court entered a second order to show cause (doc. 10). In response plaintiff has filed two motions, one requesting that the court “take payment from his earn[ed] gaintime,” (doc. 11), and the other requesting that the court “convert[] his days he earn[ed] by working hard labor” to pay the initial partial filing fee (doc. 12). The court is without the authority to take either of these actions.

Accordingly, it is ORDERED:

Within **twenty-one (21) days** of the date of this order, plaintiff shall either: (1) submit the initial partial filing fee of \$8.33, or (2) submit an updated account statement reflecting transactions in his inmate trust account for the period November 25, 2009 through the present. Failure to do so will result in a recommendation that this case be dismissed for plaintiff’s failure to comply with an order of the court.

DONE AND ORDERED this 4th day of March, 2010.

/s/ *Miles Davis*

**MILES DAVIS
UNITED STATES MAGISTRATE JUDGE**