

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

REGINALD HOLLEY,	:	
	:	
Plaintiff	:	
	:	
VS.	:	CIVIL ACTION NO.: 7:10-CV-65 (HL)
	:	
Warden DANSFORTH, <i>et al.</i> ,	:	
	:	
Defendants	:	<u>ORDER</u>

On July 16, 2010, plaintiff **REGINALD HOLLEY**, an inmate who was incarcerated at the Berrien County Jail in Nashville, Georgia, filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. (R. at 2). Plaintiff also requested to proceed without prepayment of the filing fee or security therefor pursuant to 28 U.S.C. § 1915(a). (R. at 1). In an Order dated July 19, 2010, the Court granted plaintiff's motion to proceed *in forma pauperis*, but ordered that he pay an initial partial filing fee in the amount of \$13.00. (R. at 4).

Plaintiff failed to pay the initial partial filing fee and instead submitted a second motion to proceed *in forma pauperis*. (R. at 5). In an Order dated August 17, 2010, the Court denied this motion as moot and ordered plaintiff to either pay the \$13.00 or explain to the Court his inability to pay. (R. at 7). The Court gave plaintiff until August 31, 2010 to respond.

Because the Court did not receive a response from plaintiff, it dismissed his case without prejudice on September 10, 2010. (R. at 9).

However, also on September 10, 2010, the Court received a change of address for plaintiff. Plaintiff explained that he had been transferred to the Atlanta Transitional Center. (R. at 8). In a letter the Court received on September 13, 2010, plaintiff informed the Court that he had just received the July 19, 2010 and August 17, 2010 Orders that instructed him to pay initial partial filing fee. (R. at 10). Plaintiff explained that he had instructed prison

officials to withdraw the funds from his account, if possible, and forward the same to the Court. Plaintiff has also sent the Court two additional letters (R. at 11, 12) in which he informed the Court that he did not receive the July 19, 2010 and August 17, 2010 Orders in a timely manner due to his transfer and he explained that he only \$10.00 in his prisoner trust fund account.

Because plaintiff was transferred and did not receive the Court's previous Orders in a timely manner, the Court finds that the appropriate action at this time is to **VACATE** the September 10, 2010 Order that dismissed his case for failure to comply with the Court's instructions. Additionally, plaintiff has shown that he currently does not have enough money in his prisoner trust fund account to pay the \$13.00 initial partial filing fee. Therefore, the Court **VACATES** the September 10, 2010 Order to the extent that it required payment of the initial partial filing fee. Plaintiff is, however, still responsible for full payment of the \$350.00 filing fee, as will be explained in detail in a later Order and Recommendation from the United States Magistrate Judge.

There shall be no service of process in this case until further order of the Court.

SO ORDERED, this 21st day of September, 2010.

/s/ Hugh Lawson
HUGH LAWSON
UNITED STATES DISTRICT JUDGE

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