

JUL 20 2009

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES N. HATTEN, Clerk

By *J. Sandell* Deputy Clerk

WILLIE JAMES TERRELL, JR., : PRISONER CIVIL RIGHTS
GDC No. 610258 : 42 U.S.C. § 1983
Plaintiff, :
 :
v. : CIVIL ACTION NO.
 : 1:09-CV-243-TWT
 :
 :
FULTON COUNTY :
COMMISSIONERS' OFFICE, et al., :
Defendants. :

ORDER AND OPINION

Plaintiff submitted a civil rights complaint [1] and sought leave to proceed *in forma pauperis* [2]. By Order dated February 26, 2009, Plaintiff was granted leave to proceed *in forma pauperis*, provided he pay an \$8.00 initial partial filing fee within thirty (30) days [2]. Although more than four (4) months have now passed, Plaintiff has not paid the initial partial filing fee.¹

¹ Two other lawsuits filed by Plaintiff in this Court were recently dismissed under 28 U.S.C. § 1915A for failure to state a claim upon which relief might be granted. See *Terrell v. Grady Mem. Hosp.*, No. 1:08-CV-3931 (N.D. Ga. dismissed May 27, 2009) and *Terrell v. Fulton County*, No. 1:09-CV-513 (N.D. Ga. dismissed May 22, 2009). Plaintiff appealed those dismissals and requested leave to proceed *in forma pauperis* on appeal. Plaintiff submitted an affidavit, dated June 17, 2009, indicating that he had an average monthly balance over the preceding six months of \$54.44 and received average monthly deposits of \$60.00. Plaintiff clearly had the means to pay the initial partial filing fee of \$8.00 in this case.

This Court's local rules permit dismissal when "a plaintiff [shall] fail or refuse to obey a lawful order of the court in the case." LR 41.3A(2), NDGa. Accordingly, Plaintiff's complaint in this case is **DISMISSED**.

IT IS SO ORDERED, this 17 day of July, 2009.

Thomas W. Thrash
THOMAS W. THRASH, JR.
UNITED STATES DISTRICT JUDGE