

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DAVID ANTHONY McKINNEY,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 05-345-DRH
)	
JOHN ASHCROFT, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

HERNDON, District Judge:

This action comes before the Court on Plaintiff’s motion to reconsider the judgment entered in the action on February 3, 2006, for failure to comply with the Court’s order to pay the initial partial filing fee or show cause why he was unable to do so.

Plaintiff states that he has three cases pending in the district, that he filed a document responding the Court’s order in case number 05-344-JLF, and he requested that the Clerk file the same document in this case. Plaintiff now requests that the Court look at his explanation for failure to pay the initial partial filing fee in case number 05-344 (Doc. 7), and reopen the instant case for those reasons. A review of the docket in case 05-344, reveals that Plaintiff did file a document in that case explaining that he has been incarcerated for thirteen years and currently has no institutional job and no other source of income. Although that document mentions “three other civil suits against this prison,” Plaintiff did not list those cases by title or case number, nor did he make any request to file that document in any of this other cases pending in this District.

However, giving Plaintiff the benefit of the doubt, Plaintiff’s motion to reconsider (Doc. 10) is **GRANTED**. The judgment entered in this action (Doc. 9) is **VACATED** and **HELD FOR**

NAUGHT. The Clerk shall **REOPEN THIS CASE.**

However, **Plaintiff is notified that if he wishes a document to be filed in this case, he must file it separately and with the case number clearly marked on the document. Plaintiff should not rely on the Clerk to determine in which actions a particular document is to be filed. In the future, DOCUMENTS FILED IN ANOTHER CASE WILL NOT BE USED TO OBTAIN ANY TYPE OF RELIEF IN THE INSTANT CASE.**

IT IS SO ORDERED.

DATED: May 25, 2006.

/s/ David RHerndon
DISTRICT JUDGE