

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

<p><b>TREMAINE A. GRAY,</b></p> <p style="padding-left: 40px;"><b>Plaintiff,</b></p> <p><b>vs.</b></p> <p><b>DONALD GAETZ,</b></p> <p style="padding-left: 40px;"><b>Defendants.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>CIVIL NO. 10-cv-569-DRH</b></p>
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**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

Plaintiff, a prisoner proceeding *pro se*, has filed a civil action pursuant to 42 U.S.C. § 1983. Despite correspondence from the Clerk, Plaintiff has not yet paid the \$350 filing fee for this action, nor has he filed a properly supported motion for leave to proceed *in forma pauperis*. See 28 U.S.C. §§ 1914, 1915.


**IT IS HEREBY ORDERED** that, within **THIRTY (30) DAYS** of the date of the entry of this order, Plaintiff shall pay the \$350 filing fee applicable to this action. In the alternative, Plaintiff may file a motion to proceed *in forma pauperis*, supported by a certified copy of his prison trust fund account statement for the six-month period immediately preceding the filing of the complaint and an affidavit that includes a statement of his assets. Plaintiff is **ADVISED** that in the event he has been transferred among institutions during this six-month period, it is Plaintiff’s responsibility to obtain a copy of his prison trust account statement from each such facility and to forward it to the Court. Plaintiff is **FURTHER ADVISED** that his obligation to pay the filing fee for this action was incurred at the time the action was filed; such an obligation will exist whether or not Plaintiff is

granted leave to proceed *in forma pauperis*. 28 U.S.C. § 1915(b)(1); *see also Lucien v. Jockisch*, 133 F.3d 464, 467 (7<sup>th</sup> Cir. 1998).

**IT IS FURTHER ORDERED** that upon conclusion of this thirty-day period, should Plaintiff fail to comply with this order, this case will be closed for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *see generally Ladien v. Astrachan*, 128 F.3d 1051 (7<sup>th</sup> Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7<sup>th</sup> Cir. 1994).

**IT IS SO ORDERED.**

**DATED: October 20, 2010.**

  
David R. Herndon  
2010.10.20 12:23:14  
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**CHIEF JUDGE**  
**UNITED STATES DISTRICT COURT**