

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

JOSHUA STEVEN FARNER,)	
Inmate #020887,)	
)	
Plaintiff,)	
)	Case No. 11-cv-0664-MJR
vs.)	
)	
BENNIE VICK, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

REAGAN, District Judge:

This action came before the Court on Plaintiff's motion to proceed *in forma pauperis* (Doc. 2). On August 18, 2011, Plaintiff was ordered to pay the filing fee of \$350.00 or file a proper motion to proceed *in forma pauperis* supported by a certified copy of his prison trust fund account statement no later than September 19, 2011 (Doc. 11). That deadline passed several weeks ago, and Plaintiff has not tendered the filing fee to this Court or filed a proper *in forma pauperis* motion. Nor has he moved for additional time in which to do so.

Therefore, pursuant to Federal Rule of Civil Procedure 41(b), the Court hereby **DISMISSES this action** without prejudice for failure to comply with an order of this Court and failure to prosecute this case. *See generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed. So the filing fee of \$350 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). All pending motions are **DENIED** as moot.

The Clerk's Office shall close this case.

IT IS SO ORDERED.

DATED October 6, 2011.

s/ MICHAEL J. REAGAN _____

Michael J. Reagan

United States District Judge