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“?” IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RICHARD B. KELLY, # B-76238	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 12-cv-820-JPG
	)	
YOLANDE D. JOHNSON et al,	)	
	)	
Defendants.	)	

MEMORANDUM AND ORDER

GILBERT, District Judge:

On, 11/23/2009, Plaintiff Richard Kelly was barred from filing any new papers in this Court. (See Case No. 3:07-cv-339 GPM) until such time as he pays to the Clerk of the Court a monetary penalty in the amount of \$200 as sanctions for filing offensive and harassing fillings with this Court. Excluded from the bar are a notice of appeal from the sanctions order; a petition for writ of habeas corpus; and any papers sought to be filed in a criminal case to which he is a party defendant.

Plaintiff has not paid said fine, nor made any attempt to do so. The Court having no reason to lift this ban, it remains in effect.

Plaintiff, who remains incarcerated in Tamms, nevertheless filed his most recent case in the Central District of Illinois. Whatsoever Plaintiff’s reasons for filing in that jurisdiction, the

cause is now before this Court for consideration and is subject to the filing restrictions previously imposed. The case shall be dismissed without prejudice.

If Plaintiff attempts to file a document, other than the exceptions noted above, with this Court without paying the sanction or demonstrating that it has been paid in full, the Clerk of the Court shall docket such filing for administrative purposes only, and immediately terminate the motion or close any new case resulting from the filing after placing a copy of this order in the case file. The Court will not otherwise address or acknowledge submissions that are filed without payment of the sanction or demonstration that the sanction has been paid.

### **Pending Motions**

Plaintiff's Motion for Order Allowing Access to Electronic Filing and Motion for Order Regarding Law Library Access (Doc. 7, 10) are denied as **MOOT** for the reasons stated above. Plaintiff is **WARNED** that additional sanctions may be imposed for further abuses of the litigation process or disregard for orders of this Court.

### **Disposition**

The case shall be dismissed without prejudice for Plaintiff's failure to comply with this Court's order previously imposed on 11/23/09 in Case No. 3:07-cv-339 pursuant to FED. R. CIV. P. 41. Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, thus 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).

The Clerk of the Court shall **CLOSE** this case.

**IT IS SO ORDERED.**

**DATED: August 23, 2012**

*s/J. Phil Gilbert*

**United States District Judge**