

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

| | | |
|--------------------------------------|---|--------------------------------|
| BURL WASHINGTON, # 34793-044, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 12-cv-1249-MJR |
| |) | |
| MRS. B. AUTERSON, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

REAGAN, District Judge:

On January 9, 2013, Plaintiff was ordered to pay the remaining \$345.00 of the \$350.00 filing fee for this case no later than January 30, 2013 (Doc. 4). On February 12, 2013, Plaintiff was given an extension of time to make the \$345.00 payment no later than February 26, 2013 (Doc. 6). Plaintiff was clearly warned in both Orders that failure to do so would result in dismissal of this case.

The date to pay the remainder of the filing fee has passed, and Plaintiff has failed to do so. As a result, this action is **DISMISSED** without prejudice, for failure to comply with an Order of this Court. **FED. R. CIV. P. 41(b)**. *See generally Lucien 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, 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's Office is **DIRECTED** to close this case.

IT IS SO ORDERED.

DATED: March 8, 2013

s/ MICHAEL J. REAGAN
United States District Judge