

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

REGINALD SMITH, # N-83733,)
a/k/a SHAHID MONTANA, JR.,)
)
Plaintiff,)

vs.)

Case No. 12-cv-1270-JPG

PAT QUINN, DONALD GATZE,)
S.A. GODINEZ, DAVID REDNOUR,)
MR. HARRINGTON,)
SGT. HANSCOMEYER, SGT. SNYDER,)
and MR. GERBAL,)
)
Defendants.)

MEMORANDUM AND ORDER

GILBERT, District Judge:

This matter comes before the Court for case management. Plaintiff is currently incarcerated at Pontiac Correctional Center (“Pontiac”) and has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983, based on an incident that occurred while he was confined at Menard Correctional Center (“Menard”). Plaintiff’s complaint was filed on December 17, 2012, without payment of the \$350.00 filing fee. Nor did Plaintiff file a motion for leave to proceed *in forma pauperis* (“IFP”). The Clerk of Court advised him by letter dated December 17, 2012, that if he did not either pay the fee or file a motion for leave to proceed IFP within 30 days, this case would be dismissed (Doc. 2). A blank form motion to proceed IFP was mailed to him along with the letter. Plaintiff’s 30-day deadline was up on January 16, 2013, and to date he has neither paid the filing fee nor filed a motion to proceed IFP in this matter.

IT IS THEREFORE ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**. Any motion to reopen this matter, or any new complaint Plaintiff may file, must

be accompanied by either full prepayment of the filing fee, or a motion to proceed IFP together with a complete inmate trust fund account statement for the previous six months, certified by the institution's Trust Fund Officer.

Further, 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 \$350.00 remains due and payable. This obligation continues regardless of later developments in the suit, such as dismissal of the action or denial of leave to proceed IFP. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467-68 (7th Cir. 1998); *Newlin v. Helman*, 123 F.3d 429, 434 (7th Cir. 1997).

IT IS SO ORDERED.

DATED: February 11, 2013

s/J. Phil Gilbert
United States District Judge