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

SHAHID AHMAD MONTANA, # N-83733, *also known as* **FAMOUS REID,** *also known as* **REGINALD SMITH,** **Plaintiff,**	)	
vs.	)	**Case No. 13-cv-00733-JPG**
BANK AND INS. CO., *et al.*, **Defendants.**	)	

MEMORANDUM AND ORDER

GILBERT, District Judge:

On August 15, 2013, Plaintiff was ordered to pay the full filing fee of $350.00 for this action no later than September 6, 2013 (Doc. 7). Plaintiff was clearly warned in this Order that failure to pay the full filing fee of $350.00 would result in dismissal of the case. The date to pay the full 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 Ladien v. Astrachan,* 128 F.3d 1051 (7th Cir. 1997)*; Johnson v. Kamminga,* 34 F.3d 466 (7th Cir. 1994).** This dismissal shall **NOT** count as one of Plaintiff's three allotted "strikes" under 28 U.S.C. § 1915(g). 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. *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: September 13, 2013

s/ J. Phil Gilbert
United States District Judge

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