

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

RODERICK T. ALLEN, N94327,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 14-cv-00591-JPG-PMF
)	
C/O HANKS, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Failure to Pay the required filing fee pursuant to Local Rule 3.1. Plaintiff was denied leave to proceed IFP in this matter and the Court ordered Plaintiff to pay the full filing fee of \$400.00 for this action on or before March 4, 2015 (Doc. 77). The Court further notified the Plaintiff that failure to comply with the Order in the time allotted by the Court could result in dismissal of this matter. *See* Fed. R. Civ. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051, 1056-57 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466, 468 (7th Cir. 1994).

Plaintiff was also granted an extension of time to pay the filing fee (Doc. 86) and was again warned that failure to do so could result in the dismissal of this matter with prejudice. Despite the extension of time and numerous warnings, Plaintiff has failed to pay the required filing fee.

Therefore, this matter is **DISMISSED** with prejudice for failing to pay the required filing fee pursuant to Local Rule 3.1. The Clerk of Court is **DIRECTED** to enter judgment according.

Plaintiff's obligation to pay the \$400.00 filing fee for this action was incurred at the time the action was filed (Doc. 2). *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). To date, no payments have been made toward the outstanding filing fee.

Accordingly, the agency having custody of the plaintiff is directed to remit the \$400.00 filing fee from his prison trust fund account if such funds are available. If he does not have \$400.00 in his account, the agency must send an initial payment of 20% of the current balance or the average balance during the past six months, whichever amount is higher. Thereafter, the agency shall begin forwarding monthly payments of 20% of the preceding month's income credited to Plaintiff's trust fund account (including all deposits to the inmate account from any source) until the statutory fee of \$400.00 is paid in its entirety. The agency having custody of Plaintiff shall forward payments from Plaintiff's account to the Clerk of Court each time the Plaintiff's account exceeds \$10.00 until the \$400.00 filing fee is paid. Payments shall be mailed to: Clerk of the Court, United States District Court for the Southern District of Illinois, P.O. Box 249, East St. Louis, Illinois 62202. The Clerk is **DIRECTED** to mail a copy of this Order to the Trust Fund Officer at the Menard Correctional Center upon entry of this Order.

IT IS SO ORDERED.

DATED: 9/23/2015

s/J. Phil Gilbert

J. PHIL GILBERT
DISTRICT JUDGE