

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JARVIS LAMAR POSTLEWAITE,

Plaintiff,

v.

No. 14-cv-930-JPG-PMF

WARDEN TREDWAY, WARDEN  
MOORE, CHAPLIN VAUGHN,  
COUNSELOR WILLIAMS, SALVADOR  
GODINEZ, WARDEN DUNCAN,  
UNKNOWN DIETARY SUPERVISORS,  
UNKNOWN MAILROOM SUPERVISORS,  
and PHILLIP MARTIN,

Defendants.

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 40) of Magistrate Judge Philip M. Frazier recommending that the Court dismiss plaintiff Jarvis Lamar Postlewaite’s case without prejudice for failure to timely pay the full initial partial filing fee of \$10.07. As of today, Postlewaite has paid nothing toward his initial partial filing fee. Postlewaite has objected to the Report, arguing that he cannot provide an inmate trust fund statement to the Court because he recently transferred to a different prison and his trust fund account has not yet caught up with him at the new prison.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has reviewed the matter *de novo* and agrees with Magistrate Judge Frazier for the reasons set forth in the Report. Postlewaite's inmate trust fund statement is no longer an issue. An initial partial filing fee has been assessed, and he must pay it to proceed with this litigation. However, since Postlewaite may have had some trouble arranging that payment due to his recent transfer, the Court will extend his deadline for payment for another brief period.

Accordingly, the Court **ORDERS** that Postlewaite shall have up to and including October 23, 2015, to pay the \$10.07 initial partial filing fee in full. If he does not timely pay this sum, the Court may adopt the Report and dismiss this case without prejudice without further notice.

**IT IS SO ORDERED.**

**DATED: September 29, 2015**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**