

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

BRIAN JENNINGS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 17-200-JPG-SCW
)	
NURSE ASHLEY, et al,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

GILBERT, District Judge:

On May 23, 2017, Plaintiff’s motion to proceed *in forma pauperis* (Doc. 2) was granted and no initial partial filing fee was assessed (Doc. 13). Further, because Plaintiff was no longer detained or incarcerated, he was ordered to pay the full \$350.00 filing fee or file an updated motion for leave to proceed *in forma pauperis* no later than June 6, 2017 (Doc. 13). Plaintiff was clearly warned in that Order that failure to pay the full filing fee of \$350.00 or file an updated motion to proceed *in forma pauperis* would result in dismissal of this case. The date to pay the full filing fee or file an updated motion for leave to proceed *in forma pauperis* has passed, and Plaintiff has failed to do either. 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 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 18, 2017

s/J. Phil Gilbert
United States District Judge