

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
FRANKFORT

JAMES GERMALIC,)	
)	
Plaintiff,)	Civil No. 12-CV-61-GFVT
)	
v.)	
)	
SECRETARY OF STATE OF)	MEMORANDUM OPINION
KENTUCKY, ALLISON L. GRIMES,)	&
)	ORDER
Defendant.)	

**** * * * * *

James Germalic is a resident of Parma, Ohio. Proceeding without counsel, he filed a document captioned “Request to be placed on ballot” [R. 1], containing a lengthy discussion of democracy and political matters. Upon initial review, the Court inferred from his complaints that Germalic was seeking an order compelling Kentucky officials to place him on the ballot, presumably in Kentucky, as an independent candidate for President of the United States in the November 2012 election. For administrative purposes, the Clerk of the Court docketed this action as a complaint being filed pursuant to 28 U.S.C. § 1331.¹

On September 28, 2012, the Court entered an Order advising Germalic that his complaint failed to satisfy Federal Rule of Civil Procedure 8, and that he had failed to either pay the \$350 filing fee or file a motion to waive full or partial payment of it under 28 U.S.C. § 1915. [R. 2] The Clerk of the Court provided him with all of the forms necessary to file a viable complaint

¹ Because the defendant is an officer of the Commonwealth of Kentucky and would, therefore, be acting under color of state, rather than federal, law, this action is more appropriately characterized as an action filed pursuant to 42 U.S.C. § 1983.

and to request a fee waiver, which he was directed to complete and file within 21 days upon peril of dismissal. Nearly five months have passed, and Germalic has not responded in any way. The Court will therefore dismiss this action without prejudice for failure to prosecute. Fed. R. Civ. P. 41(b); *Palasty v. Hawk*, 2001 WL 857209, at *2 (6th Cir. 2001).

Accordingly, **IT IS ORDERED** that:

1. Germalic's complaint [R. 1] is **DISMISSED WITHOUT PREJUDICE**.
2. The Court will enter an appropriate judgment.
3. This matter is **STRICKEN** from the active docket.

This 25th day of June, 2013.



Signed By:

Gregory F. Van Tatenhove 

United States District Judge