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and may not be disregarded. The court will deny Ridgeway's request to certify an interlocutory appeal.

Further, the June 14 deadline to comply with the court's order has come and gone, and Ridgeway has not paid the \$350.00 filing fee as required. *Farnsworth v. Baxter*, 2008 WL 1840739, at *2 (W.D. Tenn. 2008) (motion for interlocutory appeal did not toll time period to respond defendants' summary judgment motion). The court will therefore dismiss this proceeding without prejudice for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b). *Palasty v. Hawk*, 15 F. App'x. 197, 199-200 (6th Cir. 2001). As previously indicated [R. 15], this dismissal does not relieve Ridgeway of his obligation to pay the \$350.00 filing fee. *In re Alea*, 286 F.3d 378, 382 (6th Cir. 2002).

Accordingly, **IT IS ORDERED** as follows:

(1) Thomas Ridgeway's "Motion for Order for Interlocutory Appeal" [R. 19] is **DENIED**;

(2) This proceeding is **DISMISSED WITHOUT PREJUDICE** for want of prosecution and for failure to comply with an order of the court. Fed. R. Civ. P. 41(b);

(3) Ridgeway, Kentucky Department of Corrections ("KDOC") Inmate No. 160952, is assessed the \$350.00 civil filing fee for this action and is liable for the payment of the entire filing fee. *In re Alea*, 286 F.3d 378, 382 (6th Cir. 2002);

(4) The clerk of the court shall open an account in Ridgeway's name for receipt of the filing fee and shall serve a copy of this order and a notice of payment form (E. D. Ky. 525), complete with (a) Ridgeway's name, (b) his inmate number, and (c) this case number, upon the Warden of the institution in which he is currently confined and upon the

KDOC in Frankfort, Kentucky; and

(5) Ridgeway's custodian shall submit payments from his inmate account, as and when funds are deposited therein, until the full \$350.00 filing fee has been paid to the clerk of this court;

(6) The court will enter an appropriate judgment.

Signed on June 19, 2012



Jennifer B. Coffman

JENNIFER B. COFFMAN, CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY