

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT BOWLING GREEN**

WILLIAM WALKER

PLAINTIFF

v.

CIVIL ACTION NO. 1:11CV-P128-R

CITY OF BOWLING GREEN *et al.*

DEFENDANTS

MEMORANDUM OPINION AND ORDER

By Memorandum and Order entered September 19, 2011, the Court denied Plaintiff William Walker's application to proceed without prepayment of the filing fee, finding that he is prohibited under the "three strikes" provision in 28 U.S.C. § 1915(g) from proceeding *in forma pauperis* (DN 4). The Court ordered Walker to pay the \$350.00 filing fee in full within 30 days and warned him that his failure to pay the filing fee within the time allotted would result in dismissal of the action and his continued responsibility for payment of the \$350.00 filing fee. Instead of paying the filing fee, Walker filed a motion asking the Court to alter or amend its Order denying him pauper status (DN 5). By Order entered November 3, 2011, the Court denied the motion, directed Walker to pay the \$350.00 filing fee within 21 days, and again warned him that his failure to pay the filing fee would result in dismissal of the action and his continued responsibility for payment of the fee (DN 6).

Review of the Court's records reveals that Walker has failed to pay the requisite \$350.00 filing fee. The Court, therefore, will dismiss the action by separate Order pursuant to Fed. R. Civ. P. 41(b) for failure to comply with a prior Order of this Court and for failure to prosecute.

Dismissal of this action, however, does not relieve Walker of his responsibility to pay the requisite filing fee in this action. *In re Alea*, 286 F.3d 378, 381 (6th Cir. 2002); *McGore v. Wrigglesworth*, 114 F.3d 601, 607 (6th Cir. 1997). The obligation to pay the filing fee attaches

when a prisoner “brings a civil action.” *In re Alea*, 286 F.3d at 381. “The subsequent dismissal of the action under § 1915(g) for failure to pay that fee does not negate or nullify the litigant’s continuing obligation to pay the fee in full.” *Id.*

Accordingly, **the prior Orders (DNs 4 & 6) obligating Walker to pay the \$350.00 filing fee in this action remain in full effect.**

IT IS THEREFORE ORDERED that the Eastern Kentucky Correctional Complex shall forward \$350.00 from Plaintiff’s inmate account to the Clerk for full payment of the filing fee. The payment shall be made payable to “**Clerk, U.S. District Court**” and sent to the following address:

Office of the Clerk
United States District Court
Western District of Kentucky
106 Gene Snyder U. S. Courthouse
601 West Broadway
Louisville, Kentucky 40202-2249

Date:

cc: Plaintiff, *pro se*
Financial Section, USDC, WDKY
EKCC, Attn: Inmate Accounts (#135945), 200 Road to Justice, West Liberty, KY 41472
4413.005