UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CLAUDE COX   **PLAINTIFF**

v.   **CIVIL ACTION NO. 3:08CV-P302-S**

ARAMARK *et al.*   **DEFENDANTS**

MEMORANDUM AND ORDER

By Order entered July 14, 2008 (DN 4), this Court denied Plaintiff's application to proceed without prepayment of fees pursuant to 28 U.S.C. § 1915(g) and directed him to pay the requisite $350.00 filing fee for the instant action within 30 days from entry of the Order. The Court advised Plaintiff that failure to pay the filing fee within the time allowed would result in dismissal of the action. Review of the record in this action reveals that Plaintiff has failed to pay the requisite $350.00 filing fee. The Court will, therefore, dismiss the action by separate order for failure to comply with a prior order of the Court and for failure to prosecute.

Dismissal of this action, however, does not relieve Plaintiff 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.* Thus, **the prior Order (DN 4) obligating Plaintiff to pay the $350.00 filing fee in this action remains in full effect**.

IT IS THEREFORE ORDERED that the Kentucky State Penitentiary shall forward the $350.00 from Plaintiff's inmate account to the Clerk for full payment of the filing fee. The payment shall be 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*
        KSP, Attn: Inmate Accounts Dept. (#155616), P.O. Box 5128, Eddyville, KY 42038
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