

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE

ROBERT JOSEPH ZANI

PLAINTIFF

v.

CIVIL ACTION NO. 3:08-CV-P333-S

UNITED STATES MARSHAL SERVICE et al.

DEFENDANTS

**ORDER**

Robert Joseph Zani, *pro se*, having failed to pay the \$350 filing fee as ordered by the Court,

**IT IS ORDERED** that the instant action is **DISMISSED** pursuant to Fed. R. Civ. P. 41(b) for failure to comply with a prior Order of this Court and failure to prosecute.

Zani remains obligated to pay the filing fee in full notwithstanding his failure to comply with the prior Order of this Court. *See McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997).

There being no just reason for delay in its entry, this is a final Order. Leave to appeal to the Court of Appeals *in forma pauperis* is **DENIED** pursuant to 28 U.S.C. § 1915(a)(3) because such an appeal would not be taken in good faith.

Date: December 10, 2008



**Charles R. Simpson III, Judge**  
**United States District Court**

cc: Zani, *pro se*

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