

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE
CIVIL ACTION NO. 3:09CV-P75-H**

JA-RON TEAGUE

PLAINTIFF

v.

JOHN ARMSTRONG *et al.*

DEFENDANTS

MEMORANDUM OPINION AND ORDER

On or about February 5, 2009, Plaintiff filed this mandamus action. The filing fee for a mandamus action is \$350.00. Plaintiff neither paid the filing fee nor submitted a prisoner application to proceed without prepayment of fees. Accordingly, the Clerk of Court sent Plaintiff a deficiency notice on February 9, 2009, instructing him to either pay the filing fee or submit an application to proceed without prepayment of fees within 30 days. Plaintiff responded by filing a prisoner application to proceed without prepayment of fees.

By Order entered April 15, 2009, the Court denied Plaintiff's application under 28 U.S.C. § 1915(g) and ordered Plaintiff to pay the fee within 30 days. Plaintiff was warned that his failure his failure to comply with the Court's Order would result in dismissal of this action. Instead of paying the filing fee as ordered by the Court, Plaintiff has filed a motion asking the Court to reconsider its Order directing him to pay the filing fee. The Court has reviewed Plaintiff's complaint and its previous Order and has found no reason to alter its prior Order. Accordingly, Plaintiff's motion (DN 17) is **DENIED**.

Further, due to Plaintiff's continued non-compliance in this action, the Court will enter a

separate Order of dismissal consistent with this Memorandum Opinion.

Date:

cc: Plaintiff, *pro se*

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