

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE
CIVIL ACTION NO. 3:09CV-P278-S**

**JONATHAN LEE RICHES
a/k/a AVIGDOR LIEBERMAN**

PLAINTIFF

v.

THE INDIANAPOLIS STAR *et al.*

DEFENDANTS

MEMORANDUM OPINION AND ORDER

By Order entered June 1, 2009, the Court directed Plaintiff Jonathan Lee Riches to either pay the \$350.00 filing fee in full or file a fully completed application to proceed without prepayment of fees along with a certified copy of his prison trust account statement for the six-month period immediately preceding the filing of his complaint (DN 4). The Court warned Plaintiff that his failure to comply within 30 days from entry of the Order would result in dismissal of this civil action. A review of the record in this action reveals that Plaintiff has failed to comply with the Order or show cause for said failure.

Consequently, the instant action will be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to comply with a prior Order of this Court and 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.

IT IS THEREFORE ORDERED that:

1. The **Federal Medical Center - Lexington** shall collect from Plaintiff's prison trust account the **\$350.00** filing fee by collecting monthly payments in an amount equal to twenty percent (20%) of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10.00 in accordance with 28 U.S.C. § 1915(b)(2).

2. The institution need not issue separate checks for individual plaintiffs. Payment may be forwarded by the institution in a single check for all plaintiffs in its custody. However, the institution must clearly delineate each prisoner, his/her case number, his/her Inmate Identification Number, and the amount to be paid on a ledger accompanying each payment from the institution.

3. All payments 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, 601 West Broadway, Ste. 106, Louisville, KY 40202-2249.

4. The **Clerk of Court is directed to open an account** for the payment of the filing fee in this action.

Date: July 13, 2009



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

cc: Plaintiff, *pro se*
Financial Section, USDC, WDKY
Federal Medical Center-Lexington, ATTN: Inmate Accounts Dep't (# 40948-018), 3301 Leestown Rd,
Lexington, KY 40511
4411.005