

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3:10CV-P53-H

MICHAEL WAYNE GREENWELL

PLAINTIFF

v.

DANNY FACKLER *et al.*

DEFENDANTS

MEMORANDUM OPINION

After receiving notice that Plaintiff had been released from incarceration, the Court entered an Order on February 28, 2011 (DN 89), advising Plaintiff that a person released from incarceration may be released from his obligation to make further payment of fees if he applies and meets the requirements for *in forma pauperis* status. *McGore v. Wrigglesworth*, 114 F.3d 601, 613 (6th Cir. 1997) (“After release, the obligation to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status.”). The Court, therefore, ordered that within 30 days Plaintiff either pay the \$345.59 filing fee balance to the Clerk of Court or file a non-prisoner application to proceed without prepayment of fees. The Court further warned Plaintiff that his failure to comply with this Order would result in dismissal of this action.

The 30-day period has expired, and a review of the record reveals that Plaintiff has failed to comply with the Court’s Order. Federal Rule of Civil Procedure 41(b) permits the Court to dismiss the action “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order.”

Accordingly, by separate Order, the Court will dismiss the action under Rule 41(b) for failure to prosecute and for failure to comply with a prior Order of this Court.

Date:

cc: Plaintiff, *pro se*
Counsel of record
4412.005