

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

GEORGE JONES

PLAINTIFF

v.

CIVIL ACTION NO. 3:10-CV-P247-S

TRACY GOINS

DEFENDANT

ORDER

This Court denied Plaintiff's application to proceed without prepayment of fees due to the three-strikes provision in 28 U.S.C. § 1915(g). The Court ordered that Plaintiff pay the \$350 filing fee for this action within 30 days of entry of this Order and that failure to pay the filing fee will result in dismissal of the instant action. More than 30 days have passed since the Court entered its Order, and Plaintiff has not paid the filing fee. Therefore,

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.

Plaintiff remains obligated to pay the filing fee in full notwithstanding his failure to respond to the prior Order of this Court. *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997) ("we conclude that by *filing* the complaint or notice of appeal, the prisoner waives any objection to the fee assessment by the district court") (emphasis added).

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: June 22, 2010



Charles R. Simpson III, Judge
United States District Court

cc: Plaintiff, *pro se*
4411.009