

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

JANICE McCONICO

PLAINTIFF

v.

CIVIL ACTION NO. 3:14-CV-485-S

CABINET FOR HEALTH AND FAMILY SERVICES

DEFENDANT

MEMORANDUM OPINION

By prior Order entered August 19, 2014, this Court directed Plaintiff to pay the requisite \$400.00 filing fee or file an application to proceed *in forma pauperis* and a summons for Defendant in the instant action within 30 days from entry of the Order. The Order further advised Plaintiff that failure to comply within the time allowed would result in dismissal of this action for failure to prosecute. Review of the record in this action reveals that Plaintiff has failed to pay the requisite \$400.00 filing fee or file an *in forma pauperis* application and has not filed a summons for Defendant.

Therefore, by separate Order this Court will dismiss this action pursuant to Fed. R. Civ. P. 41(b) for failure to comply with a prior Order of this Court and failure to prosecute.

Date: October 9, 2014

A handwritten signature in black ink, appearing to read 'Charles R. Simpson III', is written over a faint circular seal of the United States District Court for the Western District of Kentucky.

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

cc: Plaintiff, *pro se*
4411.009