

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

JIMMIE LEE DENNISON et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:14-CV-P699-TBR

ROEDERER CORRECTIONAL COMPLEX

DEFENDANT

MEMORANDUM OPINION AND ORDER

By Order entered November 6, 2014, this Court ordered Plaintiff Teddy Albert Allman to pay his *pro rata* share of the filing fee. Plaintiff Allman was warned that failure to comply would result in dismissal of his case.

Plaintiff Allman has failed to pay the filing fee. Therefore, the Court, by separate Order, will dismiss Plaintiff Allman as a party to 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.

Plaintiff Allman remains obligated to pay his share of the filing fee notwithstanding his failure to comply with 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), *overruled on other grounds by Jones v. Bock*, 549 U.S. 199 (2007).

Accordingly, **the prior Order (DN 5) obligating Plaintiff Allman to pay his share of the filing fee, i.e., \$175, in this action remains in full effect.**

IT IS THEREFORE ORDERED that the Kentucky State Penitentiary shall collect and forward the \$175.00 from Plaintiff Allman’s inmate account to the Clerk for full

payment of the filing fee. The payment shall be sent to the following address:

Office of the Clerk
United States District Court
Western District of Kentucky
106 Gene Snyder U.S. Courthouse
601 West Broadway
Louisville, Kentucky 40202-2249

Date: December 30, 2014



**Thomas B. Russell, Senior Judge
United States District Court**

cc: Plaintiffs, *pro se*
Kentucky State Penitentiary, Attn. Inmate Accts. #182972, 266 Water Street, Eddyville, KY 42038
4413.009