

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

**WILLIAM DOUGLAS ELI COPE, JR., III**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 3:16-CV-P132-GNS**

**LMPD OFFICER MARK OERTHER**

**DEFENDANT**

**MEMORANDUM OPINION AND ORDER**

Plaintiff William Douglas Eli Cope, Jr., III, filed the instant pro se action. By prior Memorandum and Order (DN 6), the Court denied Plaintiff's application to proceed without prepayment of fees pursuant to 28 U.S.C. § 1915(g) and directed him to pay the filing fee in full for the instant action within 30 days from entry of the Order. The Court warned Plaintiff that failure to pay the filing fee within the time allowed would result in dismissal of the action and his continued responsibility for payment of the filing fee.

Well over 30 days have passed, and Plaintiff has not paid the filing fee. Consequently, the action will be dismissed by separate Order pursuant to Fed. R. Civ. P. 41(b) for failure to comply with a prior Order of the Court and for failure to prosecute.

As the Court previously advised Plaintiff, dismissal of this action does not relieve him 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), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199 (2007). The obligation to pay the filing fee attaches when a prisoner "brings a civil action." *In re Alea*, 286 F.3d at 381. "The subsequent dismissal of the action under § 1915(g) for failure to pay that fee does not negate or nullify the litigant's continuing obligation to pay the fee in full." *Id.*

Accordingly, **the prior Order (DN 6) obligating Plaintiff to pay the \$400.00 filing fee in this action remains in full effect.**

**IT IS THEREFORE ORDERED that the Louisville Metro Department of Corrections (LMDC) shall collect and forward the \$400.00 filing fee from Plaintiff'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, KY 40202-2249

**The Clerk of Court is DIRECTED** to open an account for the payment of the filing fee.

Date: July 27, 2016

A handwritten signature in black ink, appearing to read 'G. Stivers', is written over a circular seal of the United States District Court for the Western District of Kentucky.

**Greg N. Stivers, Judge  
United States District Court**

cc: Plaintiff, pro se  
Financial Section, USDC, WDKY  
LMDC, Attn: Inmate Accounts (#346668), 400 S. Sixth St., Louisville, KY 40202  
4416.011