

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

**MICHAEL DALE HOWARD**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 4:14-CV-P86-JHM**

**GORDON LAW OFFICES, P.S.C. et al**

**DEFENDANTS**

**MEMORANDUM OPINION AND ORDER**

Plaintiff, Michael Dale Howard, initiated this civil action by filing a complaint and a motion for leave to proceed *in forma pauperis*.<sup>1</sup> Plaintiff is subject to 28 U.S.C. § 1915(g)'s three-strikes bar, having already filed at least three actions while a prisoner which were frivolous, malicious, or failed to state a claim. Therefore, on March 3, 2015, the Court entered an Order giving Plaintiff 30 days to pay the \$400 filing fee. That Order warned Plaintiff that failure to timely comply would result in dismissal of this action.

More than 30 days have passed since the Court entered its Order, and Plaintiff has not paid the filing fee. Having failed to pay the \$400.00 filing fee as ordered by the Court, the Court will, by separate Order, 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.

Plaintiff remains obligated to pay the filing fee in full 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).

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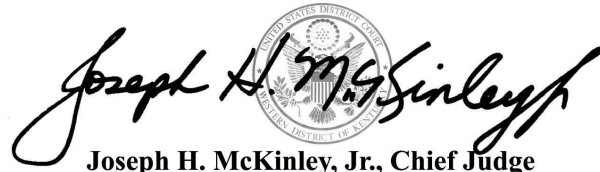
<sup>1</sup> The Court initially dismissed this action for Plaintiff's failure to keep the Court apprised of his current address. After Plaintiff updated his address, the Court reopened the action and gave Plaintiff another opportunity to pay the filing fee.

Accordingly, **the prior Order (DN 5) obligating Plaintiff to pay the \$400.00 filing fee in this action remains in full effect.**

**IT IS THEREFORE ORDERED** that the Kentucky State Penitentiary shall forward \$400.00 from Plaintiff's inmate account to the Clerk for full payment of the filing fee. The payment shall be made payable to "Clerk, U.S. District Court" and sent to the following address:

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

Date: April 24, 2015

  
**Joseph H. McKinley, Jr., Chief Judge  
United States District Court**

cc: Plaintiff, *pro se*  
KSP, Attn.: Inmate Accts. (#165473), 266 Water Street, Eddyville, KY 42038  
4414.009