

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT PADUCAH  
CIVIL ACTION NO. 5:10CV-P195-R**

**MICHEAL WAYNE LONG**

**PLAINTIFF**

**v.**

**DEPARTMENT OF CORRECTIONS *et al.***

**DEFENDANTS**

**MEMORANDUM AND ORDER**

By Memorandum and Order entered December 7, 2010 (DN 5), this Court denied Plaintiff Micheal (aka Michael) Wayne Long's application to proceed without prepayment of fees pursuant to 28 U.S.C. § 1915(g) and directed him to pay the requisite \$350.00 filing fee for the instant action within 30 days from entry of the Order. Thereafter, Plaintiff filed a motion to proceed under 28 U.S.C. § 1915(b)(4). By Memorandum and Order entered January 5, 2011, the Court denied that motion and again directed Plaintiff to pay the \$350 filing fee within 30 days (DN 7). In each Memorandum and Order, the Court advised Plaintiff that failure to pay the filing fee within the time allowed would result in dismissal of the action.

Review of the record reveals that Plaintiff has failed to pay the requisite \$350.00 filing fee. The Court, therefore, will dismiss the action by separate Order for failure to comply with prior Orders of the Court and for failure to prosecute.

Dismissal of this action, however, does not relieve Plaintiff 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). 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 Orders (DNs 5 & 7) obligating Plaintiff to pay the \$350.00 filing fee in this action remain in full effect.**

**IT IS THEREFORE ORDERED that the Kentucky State Reformatory shall forward \$350.00 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. Courthouse  
601 West Broadway  
Louisville, Kentucky 40202-2249

Date:

cc: Plaintiff, *pro se*  
KSR, ATTN: Inmate Accounts (#081811), 3001 W. Hwy. 146, LaGrange, KY 40032  
4413.005