

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

HOLLY ANN LAMBERT

PLAINTIFF

v.

CIVIL ACTION NO. 5:12CV-P4-R

BENJAMIN J. LOOKOFSKY

DEFENDANT

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Holly Ann Lambert's *pro se* motion to dismiss this action and to cease collection of the filing fee (DN 9) and motion for reimbursement of the initial partial filing fee (DN 10).

Under Rule 41(a) of the Federal Rules of Civil Procedure, a plaintiff may voluntarily dismiss an action by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). No answer or motion for summary judgment having been filed by Defendant,

IT IS ORDERED that the motion to dismiss (DN 9) is **GRANTED**. The Court will dismiss this action by separate Order.

Dismissal of this action, however, does not relieve Plaintiff of her responsibility to pay the entire fee. Under the Prison Litigation Reform Act ("PLRA"), the obligation to pay the filing fee attaches when a prisoner "brings a civil action." 28 U.S.C. § 1915(b)(1) ("[I]f a prisoner brings a civil action . . . in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee."). "[T]he subsequent dismissal of the action, even if voluntary, does not negate that obligation." *In re Alea*, 286 F.3d 378, 381 (6th Cir. 2002) (citing *McGore v. Wrigglesworth*, 114 F.3d 601, 607 (6th Cir. 1997)). "When an inmate seeks pauper status [as in the present

case], the only issue is whether the inmate pays the entire fee at the initiation of the proceeding or over a period of time under an installment plan.” *McGore*, 114 F.3d at 604. Prisoners are “no longer entitled to a waiver of fees and costs.” *Id.*

IT IS THEREFORE ORDERED that the motion to cease collection of the filing fee (DN 9) and for reimbursement of the initial partial filing fee¹ (DN 10) are **DENIED**. **The Court’s prior Order entered February 27, 2012 (DN 7), requiring Plaintiff to pay the entire \$350.00 filing fee in installments shall remain in full force and effect.**

Date:

cc: Plaintiff, *pro se*
4413.005

¹Plaintiff seeks reimbursement of the \$7.03 initial partial filing fee assessed by the Court in its February 27, 2012, Order granting the application to proceed without prepayment of fees. A review of the Court’s records, however, reveals that no monies have been received toward payment of the filing fee and that Plaintiff, therefore, still has an outstanding balance of \$350.00.