

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

GLENN D. ODOM, II

PLAINTIFF

v.

CIVIL ACTION NO. 5:12CV-P173-R

HEATHER LOSSER *et al.*

DEFENDANTS

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Glenn D. Odom, II's *pro se* motion to voluntarily dismiss this action (DN 6).

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 Defendants,

IT IS ORDERED that the motion to dismiss (DN 6) is **GRANTED**. The Court will dismiss this action by separate Order.

Dismissal of this action, however, does not relieve Plaintiff of his responsibility to pay the entire filing 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)).

Accordingly, the Court's prior Order entered November 20, 2012 (DN 5), requiring Plaintiff to pay the entire \$350.00 filing fee in installments, shall remain in full force and effect.

Date: April 18, 2013

The image shows a handwritten signature in black ink that reads "Thomas B. Russell". The signature is written in a cursive style. Behind the signature, there is a faint circular seal of the United States District Court, which includes the text "UNITED STATES DISTRICT COURT" and "SOUTHERN DISTRICT OF CALIFORNIA".

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

cc: Plaintiff, *pro se*
General Counsel, Justice & Public Safety Cabinet, Office of Legal Counsel
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