

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CHRISTOPHER BUCKENBERGER (#102343)

VERSUS

CIVIL ACTION

BURL CAIN, ET AL

NUMBER 10-172-FJP-SCR

RULING

Pro se plaintiff, an inmate confined at Louisiana State Penitentiary, Angola, Louisiana, filed this action pursuant to 42 U.S.C. § 1983 against Warden Burl Cain, Capt. Hunt, Louisiana Department of Public Safety and Corrections Secretary James LeBlanc and the defendants named in *Christopher Buckenberger v. Burl Cain, et al*, CV 10-73-RET-SCR. Plaintiff specifically alleged that he "'re-files' (1983) complaint 10-73-RET-SCR."¹ Plaintiff alleged essentially the same claims raised in CV 10-73-RET-SCR.

On March 23, 2010, *Christopher Buckenberger v. Burl Cain, et al*, CV 10-73-RET-SCR was dismissed without prejudice for failure to exhaust available administrative remedies pursuant to 42 U.S.C. § 1997e(a), and with prejudice to refiling in forma pauperis status.²

On April 27, 2010, the plaintiff's motion to proceed in forma pauperis was denied.³ Plaintiff was granted 20 days to pay the

¹ Complaint, p. 4.

² Record document number 20.

³ Record document number 5.

court's filing fee in the amount of \$350. Plaintiff was placed on notice that the failure to pay the filing fee within 20 days shall result in the dismissal of the complaint.

A review of the record showed that the plaintiff failed to pay the filing fee. Therefore, the plaintiff's \$ 1983 complaint shall be dismissed without prejudice.

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, June 18, 2010.



FRANK J. POLOZOLA
UNITED STATES DISTRICT JUDGE