

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DANNIE R. HAYWARD, SR. (#301013)

VERSUS

CIVIL ACTION

A. TARVER, ET AL

NUMBER 11-468-BAJ-SCR

RULING

Pro se plaintiff, an inmate confined at Dixon Correctional Institute ("DCI"), Jackson, Louisiana, filed this action pursuant to 42 U.S.C. § 1983 against Dr. A. Tarver, Leslie Shmitt, Louise Micthell, Travis Day, Amy Bassett, Terry Grady, Jr., Edit Williams, Landon Blades, Wayne Sullivan, Ivy Miller, Cherryl Taylor, Kevin Palmer, Warden Steve Rader and unidentified nurses, care givers, prison staff and security personnel. Plaintiff alleged that the defendants were deliberately indifferent to his serious medical needs in violation of his constitutional rights.

Plaintiff's motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 was denied because plaintiff previously alleged essentially the same facts involved in this action in *Dannie R. Hayward, Sr. v. James M. Leblanc, et al*, CV 10-613-FJP-DLD, which was dismissed for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e, with prejudice to his refiling the same claims in forma pauperis.

On July 14, 2011, the plaintiff was granted 20 days from the date of the order to pay the court's filing fee in the amount of \$350.

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, August 25, 2011.



BRIAN A. JACKSON
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA