

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

TROY D. WADE (#305401)

VERSUS

CIVIL ACTION

TRENT BARTON, ET AL

NUMBER 12-46-JJB-SCR

**RULING**

Before the court is an order for the plaintiff to show cause why his complaint should not be dismissed for failure to pay the court's initial partial filing fee. Record document number 7.

On January 26, 2012, the plaintiff was ordered to pay within 20 days an initial partial filing fee in the amount of \$12.05.<sup>1</sup> Plaintiff was placed on notice that it was his responsibility to pay the filing fee; prison officials were not ordered to forward the money to the Clerk of Court.

On January 30, 2012, the service copy of the order issued January 26, 2012 was returned undelivered. A notation on the envelope indicated the mail had been refused.<sup>2</sup>

On February 23, 2012, the plaintiff was ordered to show cause on March 16, 2012, why his complaint should not be dismissed for failure to pay the filing fee. Plaintiff was also ordered to attach copies of his inmate account statements for the months of

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<sup>1</sup> Record document number 3.

<sup>2</sup> Record document number 5.

January, February and March 2012.

In his response the plaintiff asserted that he did not receive the January 26, 2012 order to pay an initial partial filing fee. Plaintiff further argued that prison officials did not comply with the Prisoner Electronic Filing Pilot Project by providing him with a Notice of Electronic Filing of the January 26, 2012 order. Rather than submit inmate account statements showing the amount of deposits and withdrawals from his inmate account, the plaintiff submitted a copy of a Canteen Sales Log for period between January 2, 2012 and February 27, 2012.

First, the January 26, 2012 order was mailed to the plaintiff through the United States Postal Service. It was not sent via the Prisoner Electronic Filing Pilot Project.

Second, the record showed that the plaintiff refused delivery of the January 26, 2012 order. He cannot now argue that because he was not served with the order he has shown good cause to avoid dismissal of the complaint. Such an argument is both unreasonable and without merit.

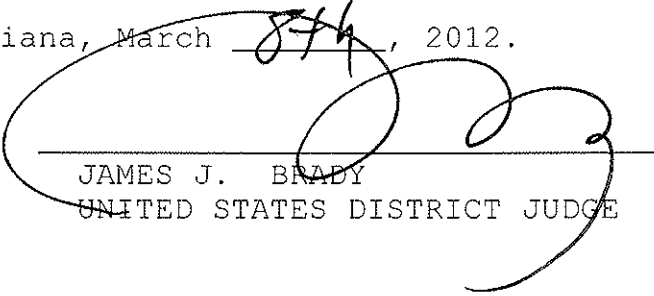
Finally, the record showed that on January 20, 2012, the plaintiff had \$60.27 in his prison drawing account. The Canteen Sales Log showed that the plaintiff made several canteen purchases after filing suit and after he was assessed an initial partial filing fee. The record evidence showed that the plaintiff had sufficient funds to pay the initial partial filing fee but failed

to do so.

Therefor, the plaintiff's complaint shall be dismissed without prejudice for failure to pay the court's filing fee.

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, March 8<sup>th</sup>, 2012.



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JAMES J. BRADY  
UNITED STATES DISTRICT JUDGE