

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ELBERT JAMES RETCLIFF, III (#314606)

CIVIL ACTION

VERSUS

LT. FURGUSON, ET AL.

NO. 12-0177-JJB-DLD

R U L I N G

On June 12, 2012, the plaintiff was ordered to pay, within twenty-one (21) days, an initial partial filing fee in the amount of \$ 2.34, "or this action shall be dismissed". Rec.doc.no. 5. Upon the plaintiff's failure to comply with this directive, the Court entered a second Order on August 2, 2012, rec.doc.no. 9, directing the plaintiff to appear and show cause, in writing, within twenty-one (21) days, why his Complaint should not be dismissed for failure to pay the initial partial filing fee. The Court further directed the plaintiff to attach to his response copies of his inmate account transaction statements showing the daily account activity in his inmate drawing and savings accounts for the months of June and July, 2012. Id. Finally, the Court advised the plaintiff that, in the event that he failed to provide the requested documentation, or in the event that the Court was able to determine from the plaintiff's records that he had possessed in his inmate accounts sums sufficient to make the required payment but had failed to do so, the plaintiff's action would be dismissed without further notice for failure to pay the Court's initial partial filing fee. Id.

Despite notice and an opportunity to comply, the plaintiff has failed to respond to the Court's Order and has failed to provide any reasonable explanation for his failure to pay the initial partial filing fee as ordered by the Court. Nor has the plaintiff provided documentation reflecting the activity in his inmate accounts during the months of June and July, 2012. Accordingly, the plaintiff's action shall be dismissed for failure to pay the initial partial filing fee ordered by the Court.

Judgment shall be entered accordingly,

Baton Rouge, Louisiana, this 11th day of September, 2012.



JAMES J. BRADY
UNITED STATES DISTRICT JUDGE