

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

COREY ADAMS (#357624)

CIVIL ACTION

VERSUS

BURL CAIN, WARDEN, ET AL.

NO. 13-0024-SDD-RLB

**RULING**

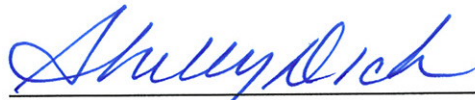
On January 14, 2013, the Plaintiff was ordered to pay, within twenty-one (21) days, an initial partial filing fee in the amount of \$ 0.21, “or this action shall be dismissed”. Rec. Doc. 3. Upon the Plaintiff’s failure to comply with the Court’s directive, the Court entered a second *Order* on March 4, 2013, Rec. Doc. 7, 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 referenced *Order* 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 January and February, 2013, including deposits into, withdrawals from, and balances in these accounts. *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.*

The Plaintiff has now responded to the Court’s *Order*, see Rec. Docs. 8 and 12. Based upon the Plaintiff’s responses, the Court concludes that this action should be dismissed for failure of the Plaintiff to comply with the Court’s Orders and failure to show good cause for such failure.

Specifically, although the Plaintiff has not provided the exact documentation which the Court has requested, the documentation which he has provided reflects that between January 20 and February 24, 2013, he earned no less than \$1.12 in incentive wages at the Louisiana State Penitentiary, which amount would have permitted him to make payment of the required initial partial filing fee. The Court further notes that the Plaintiff has likely earned additional incentive wages in the 3½ months which have elapsed since that time, but the Court does not have before it the Plaintiff's pertinent financial records for these subsequent months. Finally, the Court notes with disapproval that the Plaintiff has seemingly made a material misstatement to the Court in Rec. Doc. 6, wherein he represented to the Court that he does not earn incentive wages at the Louisiana State Penitentiary, whereas the documents which he has provided to the Court clearly reflect otherwise. Accordingly, based upon the showing made, the Court finds that the Plaintiff has failed to show good cause for his failure to comply with the Court's Orders and pay the initial partial filed fee as ordered. Therefore,

**IT IS ORDERED** that the Plaintiff's action be dismissed, without prejudice, as a result of his failure to pay the initial partial filing fee ordered by the Court. Judgment shall be entered accordingly.

Baton Rouge, Louisiana, this 17 day of June, 2013.



---

**SHELLY D. DICK, DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA**