

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

JOHN MCCRAY

VERSUS

DARREL VANNOY, ET AL.

CIVIL ACTION

NO. 14-656-BAJ-RLB

RULING

This matter comes before the Court in connection with the plaintiff's Motion to Amend (R. Doc. 7) and the Court's Orders dated February 13, 2015 (R. Doc. 4), May 21, 2015 (R. Doc. 10), July 16, 2015 (R. Doc. 12), and October 23, 2015 (R. Doc. 14). On February 13, 2015, the Court issued an Order granting the plaintiff authorization to proceed *in forma pauperis* in this case, directing him to pay, within twenty-one (21) days, an initial partial filing fee in the amount of \$76.16, and advising that "this action shall be dismissed" should the plaintiff fail to comply with the Court's Order. (R. Doc. 4). The plaintiff was thereafter granted an extension of time to pay the initial partial filing fee. (R. Doc. 10).

The plaintiff failed to pay the initial partial filing fee as ordered, and on July 16, 2015 was ordered to show cause within twenty-one (21) days, why his Complaint should not be dismissed for failure to pay the initial partial filing fee. The plaintiff was further ordered to attach to his response copies of his inmate account transaction statements showing the daily account activity in his inmate drawing, savings and reserve accounts for the period of May 21, 2015 through July 16, 2015, and advised that failure to submit the requested information or a determination by the Court that the plaintiff had sufficient funds to make the required payment but failed to do so would result in dismissal of the plaintiff's action without further notice. *See* R. Doc. 12.


On or about August 27, 2015, the plaintiff filed a written response (R. Doc. 13), evidencing his ability to pay the initial partial filing fee but requesting that the Court reconsider the assessment of the fee in light of his limited funds. On October 23, 2015 the Court granted the plaintiff an extension of time of twenty-one (21) days within which to pay the initial partial filing fee, and again advised that “this action shall be dismissed without further notice” should the plaintiff fail to comply.

A review of the record reveals that the plaintiff has failed to pay the initial partial filing fee, as ordered. Accordingly,

IT IS ORDERED that the plaintiff’s Motion to Amend be and is hereby **DENIED**.

IT IS FURTHER ORDERED that the above-captioned proceeding be **DISMISSED, WITHOUT PREJUDICE**, for failure of the plaintiff to pay the Court’s initial partial filing fee. Judgment shall be entered accordingly.

Baton Rouge, Louisiana, on January 13, 2016.



BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT