UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

MARLON CARTER (#900004015656/DOC#321909) **CIVIL ACTION**

VERSUS

WARDEN D. GRIMES **NO. 15-0813-JJB-EWD**

RULING

On October 11, 2016, the Court entered an Order (R. Doc. 7) denying Petitioner's Motion to Proceed *In Forma Pauperis* in this case and directing Petitioner to pay to the Clerk of Court, within twenty-one (21) days, the Court's filing fee in the amount of $ 5.00, "or this action shall be dismissed." The Court's Order specifically advised Petitioner that it was his responsibility to pay the Court's filing fee and that the prison would **NOT** forward payment of the filing fee without Petitioner's written authorization. *Id.* Upon Petitioner's failure to comply with the Court's directive, the Court entered a second Order on November 29, 2016 (R. Doc. 8), directing Petitioner to appear and show cause, in writing, within twenty-one (21) days, why his Petition should not be dismissed for failure to pay the Court's filing fee. The Court's Order further directed Petitioner to attach to his response copies of his inmate account transaction statements showing all activity in his inmate accounts for the months of October and November, 2016, including deposits into and withdrawals from the accounts. *Id.* Finally, the Court's Order advised Petitioner that a failure to comply with the Order "shall" result in the dismissal of Petitioner's action without further notice. *Id.*

Despite notice and an opportunity to appear, Petitioner has failed to comply with the Court's Orders and has failed to provide any explanation for his failure to either pay the Court's filing fee or provide the documentation requested by the Court reflecting the activity in his inmate accounts during the months of October and November, 2016. Accordingly, Petitioner's action shall be dismissed, without prejudice, because of his failure to pay the Court's filing fee or comply with the Court's Orders.

IT IS ORDERED that the above-captioned proceeding be **DISMISSED,** without prejudice. Judgment shall be entered accordingly.

Baton Rouge, Louisiana, this 24th day of January, 2017.

JAMES J. BRADY
UNITED STATES DISTRICT JUDGE