

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

ROBERT MILOY (# 412412)

CIVIL ACTION

VERSUS

LOUISIANA STATE PENITENTIARY

16-521-SDD-EWD

RULING

On July 21, 2016, the Court received a hand-written "Notice of Pending Litigation," which appeared to be an attempt by the *pro se* Petitioner, an inmate confined at the Louisiana State Penitentiary ("LSP"), Angola, Louisiana, to commence a civil proceeding asserting the alleged violation of his constitutional civil rights pursuant to 42 U.S.C. § 1983. In this pleading, the Petitioner complained that his attempts to administratively exhaust his claim had not been successful, and he asserted, without any factual development, that his claim involved "on-going prison medical need deprivation". The Petitioner's pleading was not accompanied by payment of the Court's filing fee or by a properly completed motion to proceed as a *pauper* herein.

Pursuant to correspondence dated October 11, 2016,¹ the Court directed the Petitioner to re-submit his claim on the Court's approved *Complaint* form within twenty-one (21) days and, within such time, to either pay the Court's filing fee or submit a properly completed *Motion to Proceed In Forma Pauperis* and Statement of Account, blank copies of which were attached to the referenced correspondence. The Court's correspondence further specifically advised the Petitioner that "failure to amend the pleadings or provide

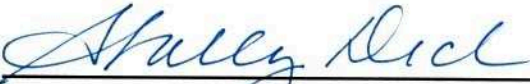
¹ Rec. Doc. 2.

the requested information or forms as indicated will result in the dismissal of your suit by the Court without further notice".²

A review of the record by the Court reflects that, despite notice and an opportunity to appear, the Petitioner has failed to respond to the Court's directives as required. Accordingly,

IT IS HEREBY ORDERED that the above-captioned proceeding be DISMISSED without prejudice for failure of the Petitioner to correct the deficiencies of which he was notified. *Judgment* shall be entered accordingly.

Baton Rouge, Louisiana the 24 day of January, 2017.



SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA

² *Id.*