

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

TRACEY JOYNER

CIVIL ACTION NO. 11-cv-0361

VERSUS

JUDGE FOOTE

DR. FULLER, ET AL

MAGISTRATE JUDGE HORNSBY

**MEMORANDUM ORDER**

This is a civil rights complaint filed by Tracey Joyner, a self-represented prisoner. Plaintiff was granted IFP status, and the court ordered that a portion of the filing fee be deducted from Plaintiff's prison account each month until the \$350 filing fee has been paid in full. Doc. 3.

Before the court is Plaintiff's **Motion to Dismiss (Doc. 5)**. In addition to a voluntary dismissal, Plaintiff seeks an order directing the prison to stop taking any additional money (filing fees) from his prisoner account.

Plaintiff's request that the court order the prison to stop deducting any additional filing fees from his account is denied. The Fifth Circuit has held that inmates are obligated to pay the full filing fee for a complaint, and that obligation arises at the moment the lawsuit is filed. Hatcher v. Nettles, 201 F.3d 651, 654 (5th Cir. 2000). No relief from an order directing payment of the filing fee should be granted for a voluntary dismissal. Id. See also Johnson v. Rhodes, 220 F.3d 587 (5th Cir. 2000)(the obligation to pay the filing fee remains

despite the disposition of the case). Accordingly, the dismissal of this case – whether voluntary or not – will have no effect on this court’s order directing payment of the filing fee.

This result should come as no surprise to Plaintiff. The authorization attached to Plaintiff’s Motion to Proceed In Forma Pauperis (Doc. 2) contains Plaintiff’s acknowledgment that the filing fees “will be debited from my account regardless of the outcome of my civil action.”

It is not clear whether Plaintiff’s Motion to Dismiss was conditioned on his request that he no longer have to pay any additional money for his filing fee. Because the court has denied that request, the court will give Plaintiff until **June 30, 2011** to file a written notice that he wants to withdraw his motion to dismiss and continue prosecuting his complaint. Unless Plaintiff makes such a filing by June 30, 2011, the motion to dismiss will be granted and this case will be closed.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 17th day of June, 2011.

  
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MARK L. HORNSBY  
UNITED STATES MAGISTRATE JUDGE