

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
<b>ROBERT E. MILLER, JR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No.</b>
<b>v.</b>	)	<b>12-11440-FDS</b>
	)	
<b>FIDELITY INVESTMENTS,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**ORDER**

**SAYLOR, J.**

Plaintiff Robert Miller, an inmate at FCI Terre Haute, initiated this civil action against Fidelity Investments by filing a complaint and an application to proceed *in forma pauperis*.

Miller’s application to proceed *in forma pauperis* was initially granted. However, upon preliminary screening of the complaint, the Court discovered that Miller was not entitled to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(g) because he had three non-habeas civil actions or appeals previously dismissed as frivolous, as malicious, or for failing to state a claim upon which relief can be granted.

By order dated March 28, 2013, Miller’s *in forma pauperis* status was revoked. He was advised that this action would be dismissed unless he paid the required \$350 filing fee within 28 days. To date, he has not responded to the Court’s order and the time for doing so has expired.

Accordingly, this action is dismissed without prejudice for failure to pay the filing fee.

**So Ordered.**

/s/ F. Dennis Saylor  
F. Dennis Saylor IV  
United States District Judge

Dated: May 9, 2013