

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RODNEY RAY SLUSSER,

Plaintiff,

v.

Case Number: 10-CV-12975
Honorable Victoria A. Roberts

SHERIFF HEYNS,

Defendants.

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OPINION AND ORDER OF SUMMARY DISMISSAL WITHOUT PREJUDICE

This is a civil rights complaint filed under 42 U.S.C. § 1983. Plaintiff Rodney Ray Slusser filed his *pro se* Complaint, asserting that he was attacked and brutally beaten by two inmates while he was incarcerated in the Jackson County jail. Pursuant to the Michigan Department of Corrections website, it does not appear that Plaintiff is currently incarcerated in a Michigan prison.

On August 12, 2010, the Court issued an “Order to Correct Deficiency,” because Plaintiff failed to submit the \$350.00 filing fee or an Application to Proceed *In Forma Pauperis*. The Court required Plaintiff to correct the deficiency by September 2, 2010, and cautioned that if he failed to do so, then the Complaint would be subject to dismissal for want of prosecution.

Under the Prison Litigation Reform Act (“PLRA”), if a prisoner wishes to proceed without prepayment of the filing fee, the prisoner must file a certified trust account statement and an affidavit of indigence with an authorization to withdraw funds from his prison account as they become available. 28 U.S.C. § 1915(a)(2); *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997).

Plaintiff has not paid the required \$350.00 filing fee for this civil action nor has he

submitted a proper Application to Proceed *In Forma Pauperis*. The time for correcting the deficiency has elapsed.

Accordingly, **IT IS ORDERED** that Plaintiff's "Complaint" [dkt. # 1] is **DISMISSED WITHOUT PREJUDICE** for want of prosecution.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: October 4, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record and Rodney Ray Slusser by electronic means or U.S. Mail on October 4, 2010.

s/Carol A. Pinegar
Deputy Clerk