

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHESTER F. GRAY, #168331,

Plaintiff,

v.

CASE NO. 10-14202
HONORABLE VICTORIA A. ROBERTS

IAN JANSZ and MARY COOKE,

Defendants.

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ORDER OF DISMISSAL

On October 20, 2010, plaintiff Chester Gray initiated this action by filing a *pro se* complaint against two state correctional officials. Plaintiff did not pay the filing fee for his complaint. Although he did apply for leave to proceed without prepayment of the fees and costs for this action, he did not submit a certified statement of his prison trust fund account for the past six months, as required by 28 U.S.C. § 1915(a)(2).

Accordingly, on October 22, 2010, Magistrate Judge R. Steven W Whalen ordered Plaintiff to submit the \$350.00 filing fee or to file the required papers within thirty days. Magistrate Judge Whalen warned Plaintiff that, if he failed either to pay the filing fee or to file the required papers to proceed *in forma pauperis*, the Court would be required to dismiss the case.

Plaintiff still has not submitted the filing fee or a certified statement of his prison trust fund account for the past six months. On November 4, 2010, he wrote to the Court and stated that he had been brought to the acute psychiatric care unit for the fourth time

in the past eighteen months. However, he did not request an extension of time to comply with Magistrate Judge Whalen's order, and he has not demonstrated that his confinement in the psychiatric care unit prevents him from filing the necessary financial papers. Accordingly, this case is hereby **DISMISSED** without prejudice for want of prosecution and for failure to comply with Magistrate Judge Whalen's order. *Link v. Wabash R. R. Co.*, 370 U.S. 626, 629-33 (1962); Local Rule 41.2 (E.D. Mich. Mar. 2, 1998).

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

Dated: January 21, 2011

The undersigned certifies that a copy of this document was served on the attorneys of record and Chester F. Gray by electronic means or U.S. Mail on January 21, 2011.

s/Carol A. Pinegar
Deputy Clerk