

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

Terri N. Reese-Green,

Plaintiff,

Case No. 17-cv-13100

v.

Judith E. Levy

United States District Judge

Federal Bureau of Investigation,

Mag. Judge Stephanie Dawkins

Defendants.

Davis

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OPINION AND ORDER OF SUMMARY DISMISSAL

Plaintiff is an inmate currently confined at the Huron Valley Women's Correctional Facility in Ypsilanti, Michigan. She filed a complaint against defendant Federal Bureau of Investigation on September 19, 2017. (Dkt. 1.) On September 22, 2017, Magistrate Judge R. Steven Whalen signed an order of deficiency, which required plaintiff to file pay the \$350.00 filing fee, plus the additional \$50.00 administrative fee, or to submit an application to proceed *in forma pauperis* within thirty days of the order. (Dkt. 3.) To date, plaintiff has neither paid the filing fee in full nor supplied this Court with the

requested information. For the reasons stated below, the complaint is dismissed without prejudice.

The Prisoner Litigation Reform Act of 1995 (PLRA) states that “if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee.” 28 U.S.C. § 1915(b)(1)(as amended). *See also In re Prison Litigation Reform Act*, 105 F. 3d 1131, 1138 (6th Cir. 1997). The *in forma pauperis* statute, 28 U.S.C. § 1915(a), provides prisoners the opportunity to make a “downpayment” of a partial filing fee and pay the remainder in installments. *See Miller v. Campbell*, 108 F. Supp. 2d 960, 962 (W.D. Tenn. 2000). Under the PLRA, a prisoner may bring a civil action *in forma pauperis* if he or she files an affidavit of indigence and a certified copy of the trust fund account statement for the six-month period immediately preceding the filing of the complaint. *See* 28 U.S.C.A. § 1915(a).

If the inmate does not pay the full filing fee and fails to provide the required documents, the district court must notify the prisoner of the deficiency and grant him or her thirty days to correct it or pay the full fee. *See McGore v. Wrigglesworth*, 114 F. 3d 601, 605 (6th Cir.

1997). If the prisoner does not comply, the district court must presume that the prisoner is not a pauper, assess the inmate the full fee, and order the case dismissed for want of prosecution. *Id.*

The Court will dismiss this complaint without prejudice for want of prosecution, due to plaintiff's failure to comply with Magistrate Judge Whalen's deficiency order by failing to timely pay the filing fee or to provide the requested documentation needed to proceed *in forma pauperis*. See *Erby v. Kula*, 113 F. App'x. 74, 75–6 (6th Cir. 2004); *Davis v. United States*, 73 F. App'x. 804, 805 (6th Cir. 2003).

Accordingly, the Court DISMISSES WITHOUT PREJUDICE the complaint under 28 U.S.C. § 1915(a)(1) and (b)(1) and (2) for failure to comply with the filing requirements of the Prison Litigation Reform Act.

IT IS SO ORDERED.

Dated: December 6, 2017
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 6, 2017.

s/Shawna Burns
SHAWNA BURNS
Case Manager