

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GARY HALL,

Plaintiff,

v.

Case No. 2:08-cv-83

HON. ROBERT HOLMES BELL

LOU MIRON, et al.,

Defendants.

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REPORT AND RECOMMENDATION

Plaintiff filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On September 10, 2008, defendants filed a motion for summary judgment. On September 26, 2008, the undersigned issued an order requiring plaintiff to file a response to defendants' motion within 30 days. Plaintiff was advised that failure to file a response would result in dismissal of this case for failure to prosecute. Plaintiff has not filed a response to defendants' motion as ordered by this court, but has instead filed a pleading in which he states, "Please dismiss Gary Hall vs. Lou Miron Case No # 2:08-cv-83. Thank you for your time and attention in this matter. Cordially Mr. Hall." The pleading is signed "Gary Hall."

Accordingly, it is recommended that plaintiff's request for voluntary dismissal be granted and plaintiff's complaint be dismissed in its entirety with prejudice.¹

¹ The dismissal of a complaint, even a voluntary dismissal, does not eliminate a prisoner's obligation to pay the required filing fees. 28 U.S.C. § 1915(b)(1) compels the payment of the respective fees at the moment the complaint is filed. A subsequent dismissal does not negate this financial responsibility. McGore v. Wrigglesworth, 114 F.3d 601, 607-08 (6th Cir. 1997); In re Prison Litigation Reform Act, 105 F.3d 1131, 1133-34 (6th Cir. 1997).

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within ten (10) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3. Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: December 1, 2008