

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

LAWTON MCKINNIES,

Plaintiff,

v.

SHERIFF GARY STOLZER,

Defendant.

No. 1:24-cv-00227-MTS

MEMORANDUM AND ORDER

This matter is before the Court on the Application of Self-Represented Plaintiff Lawton McKinnies's Application to Proceed in District Court without Prepaying Fees or Costs. Doc. [2]. Plaintiff is currently incarcerated at the Ste. Genevieve County Jail. Having reviewed the Application and inmate account statement, the Court will grant the Application and assess an initial partial filing fee of twenty-four dollars and twenty cents (\$24.20). *See* 28 U.S.C. § 1915(b)(1) (explaining calculation of initial partial filing fee for prisoner litigants).

Plaintiff shall pay the initial partial filing fee no later than **Monday, February 17, 2025**. Failure to do so will result in the dismissal of this action without further notice. *See Walker v. Galbreth*, 382 F. App'x 522 (8th Cir. 2010) (per curiam) (affirming dismissal under Federal Rule of Civil Procedure 41(b) for failure to pay initial partial filing fee); *In re Smith*, 114 F.3d 1247, 1251 (D.C. Cir. 1997) (noting that, under the Prison Litigation Reform Act, the failure to pay the initial partial filing fee required by 28 U.S.C. § 1915(b)(1) may result in dismissal of a prisoner's action (citing *Ayo v. Bathey*, 106 F.3d

98, 101 (5th Cir. 1997) (per curiam)); *see also Hutchins v. A.G. Edwards & Sons, Inc.*, 116 F.3d 1256, 1259 (8th Cir. 1997) (“A district court has the power to dismiss a litigant’s cause of action when the litigant fails to comply with the court’s orders.”).

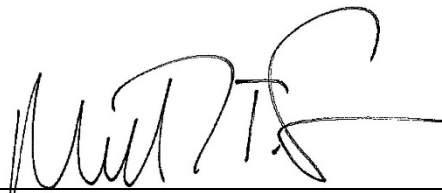
After his initial payment, Plaintiff then will be required to make monthly payments in accordance with 28 U.S.C. § 1915(b)(2) until he pays the full \$405 filing fee. *See Ashley v. Dilworth*, 147 F.3d 715, 716 (8th Cir. 1998) (per curiam) (explaining that prisoner-litigants must “pay filing fees in full, with the only issue being whether the inmate pays the entire filing fee at the initiation of the proceeding or in installments over a period of time”); *Wooten v. D.C. Metro. Police Dep’t*, 129 F.3d 206, 207 (D.C. Cir. 1997) (explaining that “unlike other plaintiffs,” prisoners “always must pay in full”).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s Application to Proceed in District Court without Prepaying Fees or Costs, Doc. [2], is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff must pay an initial partial filing fee of twenty-four dollars and twenty cents (\$24.20) no later than **Monday, February 17, 2025**. Plaintiff shall make his remittance payable to “Clerk, United States District Court,” and include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) the statement that the remittance is for an original proceeding. **Failure to do so will result in the dismissal of this action without further notice.**

Dated this 3rd day of January 2025.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE