## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DISTRICT

SANCHEZ SMOTHERMAN,	
Plaintiff,	>
V.	
MISSOURI DEPARTMENT OF CORRECTIONS, et al.,	
Defendants.	

No. 4:17-CV-01982 JAR

## MEMORANDUM AND ORDER

The Court is in receipt of two letters from Plaintiff inquiring about the dismissal of his case and requesting, inter alia, appointment of counsel (Doc. Nos. 5, 6). On July 17, 2017, Plaintiff filed a Prisoner Civil Rights Complaint under 42 U.S.C. § 1983 without paying the \$400 filing fee or filing a motion to proceed in forma pauperis (Doc. No. 1). On July 26, 2017, the Court entered an order directing Plaintiff to either pay the filing fee or submit a motion to proceed in forma pauperis, together with a certified prison account statement, within thirty days (Doc. No. 2). The case was dismissed without prejudice on September 7, 2017 for Plaintiff's failure to comply with the Court's order (Doc. No. 3). Because the case was dismissed for noncompliance, the dismissal does not count as a "strike" under 28 U.S.C. § 1915(g) (Id.). If Plaintiff wishes to proceed with his civil rights claim, he should file a new petition and submit a motion to proceed in forma pauperis, along with a certified prison account statement. This case, however, has been dismissed and the Clerk of Court instructed not to accept any more filings in this closed case.

Dated this 17<sup>th</sup> day of October, 2016.

John <u>A.</u> HN A. ROSS NITED STATES DISTRICT JUDGE