

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

PHILLIP DEWAYNE STEWART,

Plaintiff,

v.

OFFICER WILLIAMS, et al.,

Defendants.

No. 4:21 CV 8 MTS

MEMORANDUM AND ORDER

This matter is before the Court upon its own motion. Self-represented plaintiff Phillip Dewayne Stewart filed this civil action for money damages on January 4, 2021. However, Plaintiff neither paid the \$400 court filing fee nor filed a motion to proceed in forma pauperis, along with a certified copy of his account statement. *See* 28 U.S.C. § 1915(a). As such, the Court will allow Plaintiff twenty-one (21) days to either pay the full filing fee or file his motion to proceed in forma pauperis and account statement. His failure to do so in a timely manner will result in a dismissal of this action, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to mail to Plaintiff a copy of the motion to proceed in forma pauperis form for prisoners.

IT IS FURTHER ORDERED that Plaintiff must either pay the \$400 filing fee **or** submit a motion to proceed in forma pauperis within twenty-one (21) days of the date of this Order.

IT IS FURTHER ORDERED that if Plaintiff files a motion to proceed in forma pauperis, he must also file a certified copy of his prison account statement for the six-month period preceding the filing of the complaint.

IT IS FINALLY ORDERED that if Plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice. If the case is dismissed for non-compliance with this Order, the dismissal will **not** count as a “strike” under 28 U.S.C. § 1915(g).

Dated this 7th day of January, 2021.

A handwritten signature in black ink, appearing to read 'MATTS', is written over a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE