

**FILED**

**MAY 13 2013**

Clerk, U.S. District Court  
District Of Montana  
Helena

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MONTANA**

**BILLINGS DIVISION**

JOHN MORGAN MEEKS,

Plaintiff,

vs.

ROBIN HAMMOND, et al.,

Defendant.

Cause No. CV 13-16-BLG-SEH

ORDER

On May 7, 2013, Plaintiff John Morgan Meeks filed what has been construed as a Motion to Dismiss pursuant to Rule 41 of the Federal Rules of Civil Procedure.<sup>1</sup> In the motion, Plaintiff also asked that he not be charged the filing fee.

As this matter has not been served upon Defendants and there has been no responsive pleading by Defendants, Plaintiff may dismiss this action without a court order. Fed.R.Civ.P. 41(a)(1)(A). The motion to dismiss will be granted. However, Plaintiff is still required to paid the filing fee. Plaintiff was provided forms for filing a motion to proceed in forma pauperis on February 20, 2013 and

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<sup>1</sup>Document 10.

March 7, 2013.<sup>2</sup> Those forms both explain that if the motion to proceed in forma pauperis is granted the plaintiff would be required to pay the full filing fee in installments. 28 U.S.C. § 1915 requires that a prisoner who brings a civil action in forma pauperis, pay the full amount of the filing fee.

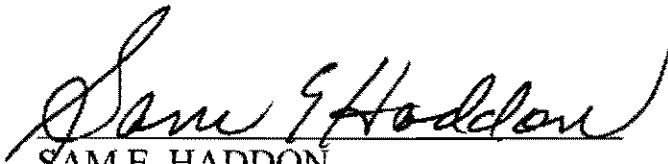
As Plaintiff was granted leave to proceed in forma pauperis, he must be charged the filing fee.

Accordingly, **IT IS HEREBY ORDERED:**

Plaintiff's Motion to Dismiss is granted. This matter shall be closed.

Plaintiff's request to not be charged the filing fee is denied.

DATED this 12<sup>th</sup> day of May, 2013.

  
SAM E. HADDON  
United States District Judge

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<sup>2</sup>Documents 4, 6.