

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HARRY E. DAVIS JR.,)	4:10CV3221
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
DON HIATT, et al.,)	
)	
Defendants.)	

This matter is before the court on its own motion. On November 17, 2010, Plaintiff filed a Complaint in this matter. (Filing No. [1](#).) On December 16, 2010, the court granted Plaintiff’s Motion for Leave to Proceed in Forma Pauperis (“IFP”) and assessed an initial partial filing fee pursuant to [28 U.S.C. § 1915\(b\)\(1\)](#). (Filing No. [8](#).) In doing so, the court warned Plaintiff that his case would be subject to dismissal if he failed to pay the initial partial filing fee by January 17, 2011. (*Id.*)

The January 17, 2011, deadline has passed and Plaintiff has not paid his initial partial filing fee in this matter. (See [Docket Sheet](#).) Therefore, Plaintiff’s case is dismissed for failing to comply with the court’s December 16, 2010, Order. See [Conley v. Holden, 109 Fed. Appx. 846 \(8th Cir. 2004\)](#) (affirming district court’s dismissal of inmate’s case for failing to pay the assessed initial partial filing fee).

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Complaint (filing no. [1](#)) is dismissed without prejudice because Plaintiff failed to comply with this court’s order.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 16th day of February, 2011.

BY THE COURT:

Richard G. Kopf

United States District Judge

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