IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

TERRELL E. NEWMAN,)	4:13CV3097
)	
Plaintiff,)	
)	
V.)	MEMORANDUM
)	AND ORDER
MIKE MYERS, Director of Douglas)	
County Correction,)	
)	
Defendant.)	

This matter is before the court on its own motion. On May 7, 2013, Plaintiff filed his Complaint in this matter along with a Motion for Leave to Proceed in Forma Pauperis ("IFP"). (Filing Nos. <u>1</u> and <u>2</u>.) On June 5, 2013, the court granted Plaintiff's IFP Motion and assessed an initial partial filing fee pursuant to <u>28 U.S.C.</u> <u>§ 1915(b)(1)</u>. (Filing No. <u>6</u>.) 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 July 5, 2013. (<u>*Id*</u>.)

The July 5, 2013, deadline has passed and Plaintiff has not paid the initial partial filing fee in this matter. (*See* Docket Sheet.) Therefore, Plaintiff's case is dismissed for failing to comply with the court's orders. *See* Fed. R. Civ. Pro. 41(b); *see also* <u>Conley v. Holden, No. 03-3908, 2004 WL 2202452, at *1 (8th Cir. Sept. 21, 2004)</u> (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. $\underline{1}$) is dismissed without prejudice because Plaintiff failed to comply with this court's orders.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 19th day of July, 2013.

BY THE COURT:

s/ John M. Gerrard United States District Judge

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