

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN K. WALTON,)	
)	
Plaintiff,)	8:10CV146
)	
v.)	
)	
J. NEWTON, Director, J.)	MEMORANDUM OPINION
HUBBARD, Captain, SGT. SELBY,)	
LT. SELBY, and T. LAYNE, Co 2,)	
)	
Defendants.)	
_____)	

This matter is before the Court on its own motion. On April 16, 2010, plaintiff filed his complaint in this matter (Filing No. [1](#)), along with a motion for leave to proceed in forma pauperis ("IFP") (Filing No. [2](#)). On June 1, 2010, the Court granted plaintiff's IFP motion and assessed an initial partial filing fee pursuant to [28 U.S.C. § 1915\(b\)\(1\)](#) (Filing No. [7](#)). 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 1, 2010. (*Id.*)

The July 1, 2010, deadline has passed and plaintiff has not paid the initial partial filing fee in this matter. (See Docket Sheet.) Therefore, plaintiff's case will be dismissed for failing to comply with the Court's June 1, 2010, memorandum and order. See [Fed. R. Civ. Pro. 41\(b\)](#); see also [Conley v. Holden, No. 03-3908, 2004 WL 2202452, at *1 \(8th Cir. Sept. 21, 2004\)](#) (affirming district court's dismissal of inmate's case for

failing to pay the assessed initial partial filing fee). A separate order will be entered in accordance with this memorandum opinion.

DATED this 16th day of July, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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