

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LAWRENCE FRUMUSA,

Plaintiff,

DECISION AND ORDER

09-CV-6539L

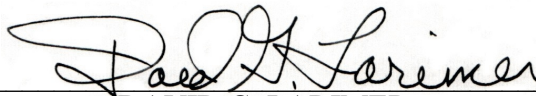
v.

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK,

Defendant.

By Decision and Order (Dkt. #5) a Judge of this Court directed plaintiff to obtain counsel or face dismissal of the action. Familiarity with that decision is presumed. By affidavit (Dkt. #6), Lawrence Frumusa responded to the Court's January 8, 2010 Order and requested that this case be withdrawn and dismissed and the filing fee refunded. Plaintiff's request is granted, in part. Because plaintiff seeks dismissal of the action and because he has failed to comply with the directives contained in this Court's Order of January 8, 2010, this action is withdrawn and dismissed. There is no basis to "refund" the filing fee that is required of all litigants who commence civil actions and, therefore, that part of plaintiff's application is denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
April 6, 2011.