

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:17-cv-007-FDW**

DARRYL BOYD ADKINS,)
)
 Plaintiff,)
)
vs.) **ORDER**
)
FNU WASHBURN, et al.,)
)
)
 Defendants.)
_____)

THIS MATTER is before the Court on the pro se Plaintiff’s “Motion to Dismiss Suit and Motion that No Filing Fees or Court Fees Be Charged to Plaintiff.” (Doc. No. 29).

The Court will grant Plaintiff’s motion for voluntary dismissal. See FED. R. CIV. P. 41. To the extent that Plaintiff seeks a refund of the amount of money deducted from his prison trust account statement to pay his filing fee, or that he incur no filing fee, Plaintiff is still required to pay the full filing fee even though this action is being dismissed. See McGore v. Wrigglesworth, 114 F.3d 601, 607 (6th Cir. 1997) (“Even a voluntary dismissal of a complaint or an appeal does not eliminate a prisoner’s obligation to pay the required filing fees.”); 28 U.S.C. § 1915(b)(1) (stating that “if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee”).

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Motion to Dismiss, (Doc. No. 29), is **GRANTED** to the extent that this action is dismissed without prejudice, but it is **DENIED** to the extent that Plaintiff is still required to pay the filing fee.

2. The Clerk is instructed to terminate this action.

Signed: July 17, 2017

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

