

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:17-cv-311-FDW**

**WILLIE T. KELLY, JR.,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **GEORGE T. SOLOMON, ET AL.,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on periodic status review.

Plaintiff filed his complaint pursuant to 42 U.S.C. § 1983 on June 1, 2017. He is a North Carolina inmate proceeding *pro se*, complaining about incidents which allegedly occurred at the Lanesboro Correctional Institution in Polkton, North Carolina. (Doc. No. 1). He filed the complaint without paying the \$400 filing fee or filing a motion to proceed *in forma pauperis*. On June 6, 2017, the Clerk of Court issued a Notice of Deficiency noting that the filing fee or an application to proceed *in forma pauperis* had not been filed, and making such due by June 27, 2017. Plaintiff has not filed a motion to proceed *in forma pauperis* or paid the filing fee to date. Petitioner must either pay the \$400 filing fee or file an application to proceed *in forma pauperis* within ten days of the date of this Order or this action will be dismissed without prejudice. See generally Fed. R. Civ. P. 41(b); 28 U.S.C. § 1915.

**IT IS, THEREFORE, ORDERED that:**

1. Plaintiff shall have ten days from service of this Order in which to either pay the \$400 filing fee or file an application to proceed *in forma pauperis*.

2. The Clerk is directed to mail a copy of this Order and an application to proceed *in forma pauperis* to Plaintiff.

Signed: September 20, 2017



Frank D. Whitney  
Chief United States District Judge

