

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Gary Lee Williams, :
 :
 Plaintiff : Civil Action 2:09-cv-01068
 :
 v. : Judge Sargus
 :
 Lisa L. Sadler, *et al.*, : Magistrate Judge Abel
 :
 Defendants :

ORDER

Plaintiff Gary Lee Williams, a prisoner at the Chillicothe Correctional Institution, has filed a complaint alleging that defendants conspired to deprive him of rights in connection with a criminal indictment. This matter is before the Court on plaintiff Williams' December 1, 2009 motion for relief from Magistrate Judge Abel's November 25, 2009 Deficiency Order (doc. 6).

Williams has neither paid the Court's \$350 filing fee or moved to proceed *in forma pauperis*. He was ordered to either pay the \$350 filing fee or fill out and execute the attached Application and Affidavit by An Incarcerated Person to Proceed Without Prepayment of Fees and costs and submit it together with the cashier's statement of his inmate funds within thirty days of the date of the Deficiency Order. He was warned that failure to do so would result in this Court dismissing this case for failure to prosecute. *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997).


Plaintiff's objections argue that the Magistrate Judge was without jurisdiction, that he has never been convicted of a criminal offense, and he is not challenging the conditions of his confinement. All civil cases are randomly assigned to a magistrate judge. Eastern Division Order No. 91-3, pt. I(A). All non-dispositive motions in all civil cases are referred to the magistrate judges. These include motions to proceed without prepayment of fees. *Id.*, pt. I(D). All matters, nondispositive and dispositive, in prisoner initiated cases are referred to the magistrate judge assigned to the case. Eastern Division Order No. 95-2.

Plaintiff's argument that he has not been convicted of a crime is specious. He is incarcerated at the Chillicothe Correctional Institution and his complaint alleges that defendants conspired to cause him to be unlawfully indicted. The Ohio Department of Rehabilitation and Correction website indicates that Williams was convicted in 2001 in the Court of Common Pleas for Franklin County, Ohio of GSI and rape. He is serving aggregate terms of up to 25 years in prison.¹ Under 28 U.S.C. § 1915(a) any "prisoner seeking to bring a civil action" must either pay the \$350 filing fee or move to proceed in forma pauperis, providing the court with a certified copy of his inmate trust fund account for the previous six months.

Accordingly, plaintiff Williams' December 1, 2009 motion for relief from Magistrate Judge Abel's November 25, 2009 Deficiency Order (doc. 6) is DENIED.

¹<http://www.drc.ohio.gov/OffenderSearch/Search.aspx> (Accessed January 5, 2010).

Plaintiff Williams must either pay the Court's \$350 filing fee or move to proceed *in forma pauperis* within fourteen (14) days of the date of this Order.


1-11-2016
Edmund A. Sargus, Jr.
United States District Judge