

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RANDY LEE WRIGHT,

Plaintiff,

:

Case No. 3:10-cv-201
Consolidated with 3:10-cv-286

-vs-

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

CHARLES A. COX, SHERIFF, et al.,

Defendants.

**DECISION AND ORDER DISSOLVING STAY, DENYING APPOINTMENT OF
COUNSEL, AND ORDERING PRELIMINARY PRETRIAL CONFERENCE AND
PAYMENT OF FILING FEE**

These cases are before the Court on report from the Volunteer Lawyers Project that Plaintiff has failed twice to respond to their requests that he provide information for appointment of counsel. Accordingly, the referral to the VLP and the stay of these proceedings are vacated and Plaintiff's request for appointment of counsel is denied.

Judicial Assistant Kelly Kopf will set this matter for preliminary pretrial conference. Plaintiff is cautioned that his failure to cooperate in preparing the Fed. R. Civ. P. 26(f) report or to attend the pretrial conference will result in dismissal of these cases for want of prosecution.

When these cases were filed, Plaintiff was permitted to proceed *in forma pauperis*, but because he was a prisoner at the time, the Court ordered collection of the full filing fee. No initial partial filing fee was ordered in either case because Plaintiff had no assets on deposit with the incarcerating facility from which to pay the fee. Plaintiff has now been released from imprisonment and is accordingly ordered to pay the filing fee in installments of not less than \$5.00 per month per

case, commencing November 1, 2010, and continuing on the first of each month thereafter. Failure to make timely payments as thus ordered will result in dismissal of these cases, unless good cause to the contrary be shown.

October 8, 2010.

s/ **Michael R. Merz**
United States Magistrate Judge

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