

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

BILLY SMITH,

Plaintiff,

-vs-

MONTGOMERY COUNTY SHERIFF'S
OFFICE, et al.,

Defendants.

:

Case No. 3:10-cv-448

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

:

DEFICIENCY ORDER

This case is before the Court on Plaintiff's filing of a Notice of Appeal (Doc. #170) which was not accompanied by the appellate filing fee of \$455.00.

Pursuant to *McGore v. Wrigglesworth*, 114 F. 3d 601 (1997), it is hereby ORDERED that the Plaintiff pay the filing fee of \$455.00 not later than August 28, 2013, to the Clerk of this Court, or file by that date with the Sixth Circuit a motion to proceed on appeal *in forma pauperis*.

Failure to pay the filing fee or file a motion to proceed *in forma pauperis* with supporting documents with the Sixth Circuit (1) may result in dismissal of the appeal for failure to prosecute and (2) will result in this Court's assessing the entire filing fee against Plaintiff. If the appeal is dismissed for failure to prosecute, it will not be reinstated despite subsequent payment or filing of the *in forma pauperis* application.

The Clerk shall certify a copy of this Order to the Sixth Circuit Court of Appeals.

August 16, 2013.

s/ Michael R. Merz
United States Magistrate Judge