

(b). This fee is due upon initiation of the suit. *See In re Alea*, 286 F.3d 378, 381–82 (6th Cir. 2002) (finding prisoner’s obligation to pay filing fee arises when complaint delivered to district court clerk). The Court finds that Plaintiff has not paid the filing fee necessary to sustain this action, and accordingly, the instant action will be **DISMISSED WITHOUT PREJUDICE**. In light of the Court’s ruling, Defendants’ pending motions to dismiss (Docs. 56, 64) will be **DENIED AS MOOT**. The Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See Fed. R. App. P. 24*.

AN APPROPRIATE JUDGMENT WILL ENTER.

/s/ Travis R. McDonough
TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE