

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

ROBERT SAMUEL STRAND,)
)
Plaintiff,)
)
v.)
)
HAWKINS COUNTY JAIL, LT.)
GALLION, DALLAS DUNN, SGT.)
FALIN, and CPL. BIGGINS,)
)
Defendants.)

No.: 2:19-CV-165-CLC-CHS

MEMORANDUM

The Court is in receipt of a pro se prisoner’s complaint under 42 U.S.C. § 1983 [Doc. 2], a motion for leave to proceed *in forma pauperis* [Doc. 1], a motion for order of transportation [Doc. 5], and a motion to voluntarily dismiss this action [Doc. 7]. For the reasons set forth below, Plaintiff’s motion to voluntarily dismiss this action [Doc. 7] will be **GRANTED**, his motion for leave to proceed *in forma pauperis* [Doc. 1] and motion for transportation order [Doc. 5] will be **DENIED as moot**, and this action will be **DISMISSED**.

First, the Court notes that Plaintiff acknowledges in his motion to voluntarily dismiss this action that he will be assessed the filing fee despite this dismissal and that the Sixth Circuit has held that “[p]risoners are no longer entitled to a waiver of fees and costs” and “a voluntary dismissal of a complaint or an appeal does not eliminate a prisoner’s obligation to pay the required filing fees.” *McGore v. Wigglesworth*, 114 F.3d 601, 604, 607 (6th Cir. 1997) *overruled on other grounds by Jones v. Bock*, 549 U.S. 199 (2007). The Court, however, has not yet granted Plaintiff leave to proceed *in forma pauperis* or assessed Plaintiff with the filing fee, and the Court is unable to do so at this time because Plaintiff has not filed a document that he is required to file prior to

the Court granting such leave, namely a certified copy of his inmate trust account for the previous six-month period. Moreover, it would be inefficient, and likely futile, for the Court to require Plaintiff to obtain a copy of this statement at this time in light of Plaintiff's desire to dismiss his complaint. Accordingly, Plaintiff's motion to voluntarily dismiss this action [Doc. 7] will be **GRANTED**, his motion for leave to proceed *in forma pauperis* [Doc. 1] and motion for transportation order [Doc. 5] will be **DENIED as moot**, and this action will be **DISMISSED**.

The Court **CERTIFIES** that any appeal from this dismissal would not be taken in good faith.

An appropriate order will enter.

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE