

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

THOMAS J. KING,)	
Plaintiff,)	
v.)	
)	
JEHOVAH'S WITNESSES, MORMONISM,)	CASE NO. 4:08-cv-55
UNIT TEAM, MR. SCARANTENO,)	
MR. BROWN, MRS. JOHNSON, AND)	Mattice/Carter
PSYCHOLOGY, DR. FRIEMAN FOX,)	
RHEA PARTYKA, DR. HERBEL, AND STAFF,)	
OFFICER WILBUR, NATION OF ISLAM,)	
BUDDHISM, MOORISH SCIENCE TEMPLE,)	
SUNNI JUMAH PRAYER, ISLAM MUSLIMS)	
Defendants.)	

MEMORANDUM AND ORDER

On January 5, 2009, the Court entered a memorandum and order in which it found that the plaintiff in the instant case had, on three or more prior occasions while incarcerated, brought an action in the court of the United States that was dismissed for failure to state a claim upon which relief may be granted. Further, the Court also found that plaintiff's present claim did not allege plaintiff was in imminent danger of serious physical harm. Accordingly, pursuant to the Prison Litigation Reform Act, 28 U.S.C. § 1915(g), the Court instructed the plaintiff that "to proceed with this action, **KING MUST PREPAY THE ENTIRE \$350.00 FILING FEE**" within ten days of entry of the order. (January 1, 2009, Memorandum and Order at 2, Court Doc. 8) (emphasis original). The Court warned that if the plaintiff failed "to submit the full filing fee within the time required, this cause of action will be dismissed without prejudice pursuant to the 'three-strikes' provision of 28 U.S.C. § 1915(g)." *Id.* (emphasis original).

Subsequently, the plaintiff filed two motions, both essentially asking for more time to pay the filing fee. [Court Docs. 9 and 10]. Further, on January 28, 2008, plaintiff made a partial payment of the filing fee of \$100.00. The \$250.00 balance of the filing fee remains.

Plaintiff has been given sufficient time to pay the filing fee. Further, the Court will dismiss this action without prejudice; thus, if plaintiff wishes to refile his claim when he can pay the entire filing fee, the Prison Litigation Reform Act, 28 U.S.C. § 1915(g), will not prevent him from doing so.

Therefore, plaintiff's motions for more time to pay the filing fee, [Court Docs. 9 and 10], are DENIED in their entirety. Further, it is ORDERED that the Clerk of the Court shall remit to the plaintiff the \$100.00 he has already paid toward the filing fee.

SO ORDERED.

ENTER:

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE