

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>PHILANDER S. McFARLAND</b>	]	
<b>Plaintiff,</b>	]	
	]	<b>No. 3:14-cv-0975</b>
<b>v.</b>	]	<b>(No. 3:14-mc-0469)</b>
	]	<b>Judge Campbell</b>
<b>DEBRA CASTEEL</b>	]	
<b>Defendant.</b>	]	

**ORDER**

The plaintiff, proceeding *pro se*, is an inmate at the South Central Correctional Center in Clifton, Tennessee.

On February 25, 2014, an order (Docket Entry No. 2) was entered granting him thirty days in which to submit either the full filing fee of four hundred dollars (\$400) or an application to proceed in forma pauperis. The plaintiff was forewarned that, in the event he failed to comply with these instructions in a timely manner, the Court would presume that he is not a pauper, assess the filing fee and order its collection from his inmate trust account, and dismiss the instant action for want of prosecution.

The thirty day period has long since expired and the plaintiff has not yet complied with the instructions of the Court. Accordingly, the Clerk shall file the complaint.

The plaintiff is herewith ASSESSED the civil filing fee of \$400.00. Pursuant to 28 U.S.C. § 1915(b)(1)(A) and (B), the custodian of the plaintiff's inmate trust account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial partial payment, whichever is greater of:

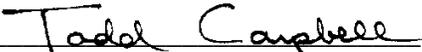
(a) twenty percent (20%) of the average monthly deposits to the plaintiff's inmate trust account; **or**

(b) twenty percent (20%) of the average monthly balance in the plaintiff's inmate trust account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of the plaintiff's preceding monthly income (or income credited to the plaintiff's trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee has been paid to the Clerk of Court. 28 U.S.C. § 1915(b)(2).

This action is hereby DISMISSED for failure to comply with the instructions of the Court and for want of prosecution. McGore v. Wrigglesworth, 114 F.3d 601, 605 (6<sup>th</sup> Cir. 1997). The Clerk is directed to send a copy of this order to the Warden of the South Central Correctional Center to insure that the custodian of plaintiff's inmate trust account complies with that portion of the Prison Litigation Reform Act relating to the payment of the filing fee.

It is so ORDERED.

  
Todd Campbell  
United States District Judge