Awan v. Harmon et al Doc. 33

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KHALID AWAN,	)	
ID # 50959-956,	)	
Plaintiff,	)	
vs.	)	**No. 3:17-CV-130-C**
	)	
WARDEN D.J. HARMON, et al.,	)	
Defendants.	)	

ORDER

By *Special Order No. 3-251*, this case has been automatically referred for full case management. Before the Court is the plaintiff's *Motion to Accept Filing Fee Payment Nunc Pro Tunc*, received on September 21, 2018 (doc. 32). He essentially seeks leave to pay the filing fee after the deadline of September 12, 2018, which was set by the order dated August 22, 2018 (doc. 30). He contends that the order was not mailed until September 4, 2018, and that he did not receive it until September 11, 2018, because he is currently in Canada. He paid the filing fee on September 21, 2018. (*See* doc. 32 at 1, 3, 5.) The motion is **GRANTED**.

On September 19, 2018, it was recommended that this action be dismissed under Fed. R. Civ. P. 41(b) for failure to prosecute or comply with a court order because the plaintiff had failed to pay the filing fee by September 12, 2018, as ordered. (*See* doc. 14.) Because the plaintiff has now paid the filing fee, the findings, conclusions, and recommendation for dismissal are hereby **VACATED**.

SO ORDERED this 24th day of September, 2018.

IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

Dockets.Justia.com