

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

NAQUAN DEVELL MOORE,

Plaintiff,

-vs-

Case No. 14-CV-345

MILWAUKEE COUNTY JAIL,

Defendant.

ORDER

The plaintiff, Naquan Devell Moore, who is proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 along with a petition to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. By order dated April 11, 2014, the plaintiff was ordered to forward to the Clerk of Court by May 2, 2014, the sum of \$11.75 as an initial partial filing fee in this action. The plaintiff was advised that, upon payment of this fee, the court would determine whether the action can proceed *in forma pauperis*. On May 1, 2014, the plaintiff submitted a partial payment of \$3.38. However, he has not paid the remaining \$8.37.

The plaintiff is advised that he is required to pay the full initial partial filing. *See* 28 U.S.C. § 1915(b)(1). However, before dismissing this case for failure to pay the initial fee, the court must determine whether the prisoner is at fault for the non-payment. *See Thomas v. Butts*, 745 F.3d 309, 312-13 (7th Cir. 2014). A court may not dismiss the suit of

a prisoner who has a lack of funds in the account. *Id.* at 312; *see also* § 1915(b)(4) (“In no event shall a prisoner be prohibited from bringing a civil action . . . for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.”). “But if the court finds that the prisoner is unable to pay the partial filing fee at the time of collection because he intentionally depleted his account to avoid payment, the court in its sound discretion may dismiss the action.” *Thomas*, 745 F.3d at 312 (citations and internal quotation omitted).

NOW, THEREFORE, IT IS ORDERED that the plaintiff shall show cause why this case should not be dismissed for nonpayment of the full initial partial filing fee.

IT IS FURTHER ORDERED that on or before **July 11, 2014**, the plaintiff shall provide the court with information regarding why the full initial partial filing fee has not been paid.

IT IS ALSO ORDERED that copies of this order be sent to the Milwaukee County Sheriff and to Maricela Castillo and Mary Wenten, House of Corrections, 8885 South 68th Street, Franklin, Wisconsin, 53132.

Dated at Milwaukee, Wisconsin, this 20th day of June, 2014.

SO ORDERED,



HON. RUDOLPH T. RANDA
U. S. District Judge