

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARQUISE GREEN,

Plaintiff,

v.

Case No. 17-C-1205

MARK SCHOMICH, et al.,

Defendants.

ORDER DISMISSING CASE FOR FAILURE TO PROSECUTE

On September 6, 2017, plaintiff Marquise Green, proceeding *pro se*, filed a civil complaint alleging his civil rights were violated pursuant to 42 U.S.C. § 1983. Concurrently, he filed a motion to proceed in forma pauperis. On September 26, 2017, Magistrate Judge Joseph ordered Green to pay an initial partial filing fee of \$12.85. On December 13, 2017, Magistrate Judge Joseph recommended dismissing the complaint for failure to prosecute. On December 18, 2017, Green asked for an extension of time to pay and claimed that his funds were low, but did not say what he meant by “low funds” or explain why he was not able to pay \$12.85 after some three months. The court gave him until January 15, 2018, to pay his initial partial filing fee and warned again that unexplained failure to pay would result in dismissal of this case.

To this date and despite multiple warnings, Green has not paid the partial filing fee, nor has he offered an explanation for his continued failure to pay. *See* ECF Nos. 8, 9, and 11. Because I interpret Green’s motion for an extension of time as an objection, I review Magistrate Judge Joseph’s report and recommendation *de novo*. *See Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739

(7th Cir. 1999). Upon review, I concur with Magistrate Judge Joseph's recommendation that this be dismissed for failure to prosecute.

IT IS THEREFORE ORDERED that Magistrate Judge Joseph's report and recommendation (ECF No. 9) is **ADOPTED** and this case is **DISMISSED** for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

IT IS FURTHER ORDERED that plaintiff's motion to proceed in forma pauperis (ECF No. 2) is **DENIED AS MOOT**.

Dated this 29th day of January, 2018.

s/ William C. Griesbach

William C. Griesbach, Chief Judge
United States District Court