

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TERRY D. BRIGGS-MUHAMMAD,

Plaintiff,

v.

TONY EDBERG, *et al.*,

Defendants.

ORDER

14-cv-175-wmc

Plaintiff Terry D. Briggs-Muhammad filed this proposed civil action against his former employer, alleging discrimination based on age, race, disability and religion. He also alleged improper retaliation. On March 30, 2014, the court ordered plaintiff to make an initial partial payment of \$175.00 toward the \$350.00 filing fee in compliance with the federal *in forma pauperis statute*, 28 U.S.C. § 1915(a). (Dkt. # 5). That order advised plaintiff that the court would dismiss his lawsuit without prejudice if he failed to comply within the time allowed.

To date, plaintiff has failed to comply by tendering the initial partial filing fee as directed or showing cause for his failure to do so. Accordingly, under the inherent power necessarily vested in a court to manage its own docket, the complaint will be dismissed without prejudice for want of prosecution. *See* FED. R. CIV. P. 41(a); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962); *Ohio River Co. v. Carrillo*, 754 F.2d 236, 238 n.5 (7th Cir. 1984).

ORDER

IT IS ORDERED that:

1. The complaint filed by plaintiff Terry D. Briggs-Muhammad is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a). The clerk's office shall terminate all pending motions and close this case.
2. Plaintiff may seek leave to re-open this case *only* if he makes the initial partial fee payment of \$175.00 within ten days and demonstrates cause for his failure to comply with the court's previous order. Otherwise, plaintiff must re-file his complaint as a new case.

Entered this 23rd day of April, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge