

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

SHAUN STEELE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:13-cv-01045-TWP-DKL
)	
WENDY KNIGHT Superintendent and)	
MATTHEW JOHNSON, in his individual and)	
official capacity, Internal Affairs in C.I.F.,)	
)	
Defendants.)	

**ENTRY DISCUSSING PENDING MOTIONS, NON-PAYMENT OF FILING FEE
AND DIRECTING FURTHER PROCEEDINGS**

This matter is before the Court on several pending motions and the issue of non-payment of the filing fee.

I. PAYMENT OF FILING FEE

In its Entry of July 10, 2013 (Dkt. 4), this Court gave Plaintiff Shaun Steele (“Mr. Steele”) through July 31, 2013, by which to either pay the \$400.00 filing fee for this action or to demonstrate that he lacks the financial ability to do so. That time has passed and he has done neither. Instead, Mr. Steele made a partial payment of \$8.00, without explanation or approval from the Court. Perhaps Mr. Steele paid this initial partial filing fee because such a fee was assessed in *Steele v. Elrod*, 1:13-cv-1044-WTL-TAB, based on the declaration Mr. Steele submitted dated March 8, 2013. Here, however, Mr. Steele has neither moved for *in forma pauperis* status nor demonstrated that he is indigent. In fact, Mr. Steele cannot show that he is entitled to proceed *in forma pauperis* after May 29, 2013, when \$17,793.26 was deposited into his offender trust account and because he currently has more than \$12,000.00 in his offender trust account. See Dkt. 49-1.

In short, Mr. Steele has a filing fee balance of Three Hundred and Ninety-Two Dollars and Zero Cents (\$392.00). This amount is overdue. In this Circuit, it is not unusual for a case to be dismissed when the plaintiff fails to pay the filing fee as directed. *See Bates v. Thompson*, 234 F.3d 1272 (7th Cir. 2000) (2000WL 1117869) (discussing dismissal of action for failure to pay filing fee). Accordingly, Mr. Steele shall have **through March 6, 2014**, by which to pay the balance of his filing fee to the Clerk of this Court and to show cause why this case should not be dismissed. Failure to comply with this Order will result in the dismissal of this action without prejudice.

II. DISPOSITION OF PENDING MOTIONS

Defendants Wendy Knight and Matthew Johnson (collectively, “the Defendants”) have filed a motion to stay these proceedings pending payment of the full filing fee. The Defendants argue the Court and parties should not expend further time and resources on the numerous pending motions until Mr. Steele’s payment of the full filing fee. The Court agrees. Defendants’ Motion to Stay (Dkt. 49) is **GRANTED**. Mr. Steele is not entitled to any relief in this action until (and unless) the filing fee is paid in full. Given these circumstances **the following motions are DENIED without prejudice:**

- Motion to Appoint Counsel (Dkt. 24)
- Motion for Temporary Restraining Order (Dkt. 26)
- Motion for Partial Summary Judgment (Dkt. 30)
- Motion to Issue Subpoenas (Dkt. 34)
- Motion for Leave to File Amended Complaint (Dkt. 36)
- Motion to Stay (Dkt. 37)
- Motion for Extension of Time to Respond to Discovery (Dkt. 40)
- Request to Take Depositions of Incarcerated Individuals (Dkt. 44)
- Request for Status Conference on Discovery (Dkt. 45)

The discovery and dispositive deadline shall be reset by separate order if necessary. All other deadlines set in the Entry dated October 31, 2013, have passed.

SO ORDERED.

Date: 02/14/2014



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

DISTRIBUTION:

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