

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

JOHN W. KEHOE,

Plaintiff,

v.

CASE NO. 06-3264-SAC

CO I DAVID BAKER,  
et al.,

Defendants.

O R D E R

By Order entered herein on July 12, 2007, this court assessed an initial partial filing fee of \$59.00, and gave plaintiff thirty (30) days to pay the assessed fee. The court warned that if Mr. Kehoe failed to pay the fee within that time this action may be dismissed without further notice. More than thirty days have passed since plaintiff was ordered to pay the partial fee, and no objection or fee has been submitted to the court by plaintiff. The court finds this action must be dismissed on account of plaintiff's failure to submit the assessed partial filing fee.

**IT IS THEREFORE ORDERED** that plaintiff's Motion for Leave to Proceed in forma pauperis (Doc. 2) is denied, and this action is dismissed without prejudice, due to plaintiff's failure to pay the assessed partial filing fee.

**IT IS FURTHER ORDERED** that plaintiff's Motion to Dismiss Defendants (Doc. 6) and Request for Appointment of Counsel (Doc. 4)

are denied as moot.

**IT IS SO ORDERED.**

Dated this 21st day of August, 2007, at Topeka, Kansas.

s/Sam A. Crow

U. S. Senior District Judge