

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JIM C. ELLIOTT,

Plaintiff,

v.

CASE NO. 07-3329-SAC

MARGE VANHOOSE, et al.,

Defendants.

O R D E R

Plaintiff, a prisoner incarcerated in a Kansas correctional facility, initiated this action by submitting a complaint seeking relief under 42 U.S.C. § 1983 for the alleged violation of his constitutional rights. Pursuant to the "3-strike" provision in 28 U.S.C. § 1915(g), the court denied plaintiff's motion for leave to proceed in forma pauperis and granted plaintiff additional time to pay the \$350.00 district court filing fee.

Plaintiff thereafter filed a motion for reconsideration, which the court denied. The court also reminded plaintiff that the failure to pay the \$350.00 district court filing fee by February 8, 2008, could result in dismissal of the complaint without prejudice.

Before the court is plaintiff's motion for an extension of time to pay the district court filing fee. Plaintiff states simply that he is not legally trained, that he is currently receiving legal advice concerning this civil action, and that he "needs more time to reach an understanding of all that is necessary and required to

properly proceed in this case before this court." (Doc. 9.)

The court denies plaintiff's motion. Plaintiff identifies no specific obstacle to his payment of the district court filing fee that could be easily overcome if the court granted plaintiff's request for additional time. Moreover, dismissal of this complaint based upon plaintiff's nonpayment of the district court filing fee is without prejudice to plaintiff refiling his claims in the future when he has obtained a better understanding of what is required to do so.

The court thus concludes the complaint should be dismissed, based upon plaintiff's failure to pay the \$350.00 district court filing fee.

IT IS THEREFORE ORDERED that the complaint is dismissed without prejudice.

IT IS SO ORDERED.

DATED: This 8th day of February 2008 at Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge