

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

ROBERT SHANER,

Plaintiff,

vs.

Case No. 11-2025-SAC

MICHAEL J. ASTRUE,  
Commissioner of Social  
Security,

Defendant.

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ORDER OF DISMISSAL

On January 18, 2011, plaintiff filed an application for leave to proceed without prepayment of fees and an affidavit of financial status (Doc. 3-4). On January 21, 2011, the court issued an order directing plaintiff to either file a supplemental affidavit or pay the filing fee no later than February 22, 2011. This order was sent to plaintiff via regular and certified mail. A check with the United States Postal Service website confirms that a copy of the order was delivered to the plaintiff on January 22, 2011. As of this date, plaintiff has not paid the filing fee, has not filed a supplemental affidavit, and has not requested additional time to either pay the filing fee or file a supplemental affidavit. In the case of Raynor v. Wentz, 357 Fed. Appx. 968-969 (10<sup>th</sup> Cir. Dec. 22, 2009), a *pro se* litigant filed a civil suit, and sought to proceed *in forma pauperis* (IFP).

However, plaintiff failed to respond to a court order directing plaintiff to supplement her motion to proceed IFP, and failed to pay the filing fee. The district court dismissed the case without prejudice because of plaintiff's failure to pay the filing fee; the dismissal was affirmed on appeal.

IT IS THEREFORE ORDERED that this case is hereby dismissed without prejudice because of plaintiff's failure to either pay the filing fee or to file a supplemental affidavit in support of his IFP motion.

Copies of this order shall be sent by regular and certified mail to plaintiff, Robert Shaner.

Dated this 24<sup>th</sup> day of February 2011, at Topeka, Kansas.

s/ Sam A. Crow  
Sam A. Crow, U.S. District Senior Judge