

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

KEITH RUSSELL JUDD, )  
 )  
 Plaintiff, )  
 )  
 v. ) Civ. Action No. 11-512-GMS  
 )  
 SECRETARY OF STATE OF )  
 DELAWARE and STATE OF )  
 DELAWARE, et al., )  
 )  
 Defendants. )

**MEMORANDUM ORDER**

WHEREAS, the plaintiff filed a civil rights action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee;

WHEREAS, on June 29, 2011, the court entered an order denying leave to proceed *in forma pauperis* because the plaintiff had three prior suits dismissed as frivolous or for failure to state a claim upon which relief may be granted, and the instant complaint does not allege an imminent threat of physical injury (D.I. 4);

WHEREAS, the plaintiff was given until thirty days from the date of the order to pay the filing fee but, instead, the plaintiff filed a motion for a total waiver of the filing fee and a motion to reopen and stay the proceedings (D.I. 5, 7);

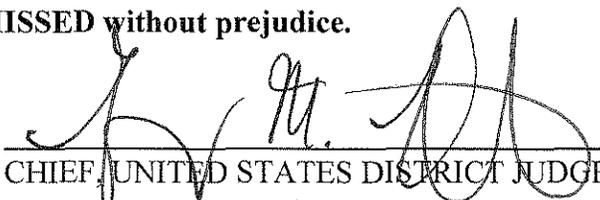
WHEREAS, the plaintiff was warned that failure to pay the filing fee within the required time would result in dismissal of the case pursuant to 28 U.S.C. § 1915(g);

WHEREAS, the time has lapsed and the plaintiff has not paid the \$350.00 filing fee owed to this court;

THEREFORE, at Wilmington this 9<sup>th</sup> day of Sept, 2011, IT IS

HEREBY ORDERED that:

1. All pending motions are **DENIED** as moot. (D.I. 5, 7.)
2. The plaintiff's complaint is **DISMISSED without prejudice.**

  
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CHIEF, UNITED STATES DISTRICT JUDGE