

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse  
Room 2722 - 219 S. Dearborn Street  
Chicago, Illinois 60604



Office of the Clerk  
Phone: (312) 435-5850  
[www.ca7.uscourts.gov](http://www.ca7.uscourts.gov)

**PLRA C.R. 3(b) FINAL ORDER**

February 27, 2020

No. 20-1143	GEORGE TOLBERT, Plaintiff - Appellant  v.  STEPHANIE WAGGONER, et al., Defendants - Appellees
<b>Originating Case Information:</b>	
District Court No: 3:19-cv-01318-NJR Southern District of Illinois District Judge Nancy J. Rosenstengel	

The pro se appellant has neither paid the \$505.00 appellate fees nor filed a motion for leave to proceed on appeal in forma pauperis in the District Court, as prescribed in *Fed. R. App. P. 24(a)*. Accordingly,

**IT IS ORDERED** that this appeal is **DISMISSED** for failure to pay the required docketing fee pursuant to Circuit Rule 3(b).

**IT IS FURTHER ORDERED** that the appellant pay the appellate fee of \$505.00 to the clerk of the district court. The clerk of the district court shall collect the appellate fees from the prisoner's trust fund account using the mechanism of Section 1915(b). *Newlin v. Helman*, 123 F.3d 429, 433 (7th Cir. 1997).

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## NOTICE OF ISSUANCE OF MANDATE

February 27, 2020

To: Margaret M. Robertie  
UNITED STATES DISTRICT COURT  
Southern District of Illinois  
East St. Louis , IL 62201-0000

No. 20-1143	GEORGE TOLBERT, Plaintiff - Appellant  v.  STEPHANIE WAGGONER, et al., Defendants - Appellees
<b>Originating Case Information:</b>	
District Court No: 3:19-cv-01318-NJR Southern District of Illinois District Judge Nancy J. Rosenstengel	

Herewith is the mandate of this court in this appeal, along with the Bill of Costs, if any. A certified copy of the opinion/order of the court and judgment, if any, and any direction as to costs shall constitute the mandate.

CHOOSE ONE OF THE FOLLOWING:

no record to be returned

**NOTE TO COUNSEL:**

If any physical and large documentary exhibits have been filed in the above-entitled cause, they are

to be withdrawn ten (10) days from the date of this notice. Exhibits not withdrawn during this period will be disposed of.

Please acknowledge receipt of these documents on the enclosed copy of this notice.

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Received above mandate and record, if any, from the Clerk, U.S. Court of Appeals for the Seventh Circuit.

Date:

Received by:

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form name: **c7\_Mandate**(form ID: 135)

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## PLRA FEE ORDER

January 27, 2020

No. 20-1143	GEORGE TOLBERT, Plaintiff - Appellant  v.  STEPHANIE WAGGONER, et al., Defendants - Appellees
<b>Originating Case Information:</b>	
District Court No: 3:19-cv-01318-NJR Southern District of Illinois District Judge Nancy J. Rosenstengel	

The pro se appellant has on three or more occasions had an action or appeal in a court of the United States dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief could be granted. Pursuant to 28 U.S.C. Section 1915(g) appellant may not proceed in forma pauperis. Accordingly,

**IT IS ORDERED** that the pro se appellant pay the required \$505.00 fees to the clerk of the district court by no later than 02/10/2020 or this appeal will be dismissed pursuant to Circuit Rule 3(b).

**IT IS FURTHER ORDERED** that all other proceedings in this appeal are **SUSPENDED** pending payment of the fees. The appellant is reminded that the "unpaid docket fees incurred by litigants subject to Section 1915(g) lead straight to an order forbidding further litigation." See Sloan v. Lesza, 181 F.3d 857, 859 (7th Cir. 1999).

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GEORGE TOLBERT, B13301, )  
Plaintiff, )  
vs. ) CIVIL NO. 19-1318-NJR  
STEPHANIE WAGGONER, et al )  
Defendants. )

**ORDER OF DISMISSAL**

**ROSENSTENGEL, Chief Judge:**

On December 9, 2019, Tolbert's motion for leave to proceed *in form pauperis* ("IFP") was denied as he has "struck out" under 28 U.S.C. § 1915(g) and did not meet the requirements of the imminent danger exception (Doc. 4). Tolbert was ordered to pay the filing fee of \$400.00 on or before December 30, 2019 and was warned that failure to comply would result in dismissal of the action. *Id.*

To date, Tolbert has failed to pay the filing fee. Therefore, this action is **DISMISSED** without prejudice for failure to comply with an Order of this Court. *See* FED. R. CIV. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). The Clerk is **DIRECTED** to close this case.

**IT IS SO ORDERED.**

**DATED: January 7, 2020**

s/ NANCY J. ROSENSTENGEL  
NANCY J. ROSENSTENGEL  
Chief U.S. District Judge

**Additional material  
from this filing is  
available in the  
Clerk's Office.**