

Case No. 17-5613

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

ORDER

MITCHELL WALCK

Plaintiff - Appellant

v.

CORIZON HEALTH CARE SERVICES;
EFFIE REED, Employee, LPN, Corizon Contract # I.D. 090000331

Defendants - Appellees

Appellant having previously been advised that failure to satisfy certain specified obligations would result in dismissal of the case for want of prosecution and it appearing that the appellant has failed to satisfy the following obligation(s):

The proper fee was not paid by **February 26, 2018**.

It is therefore **ORDERED** that this cause be, and it hereby is, dismissed for want of prosecution.

**ENTERED PURSUANT TO RULE 45(a),
RULES OF THE SIXTH CIRCUIT**
Deborah S. Hunt, Clerk



Issued: March 12, 2018

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MITCHELL WALCK	)	
No. 110973,	)	
	)	
Plaintiff,	)	
	)	NO. 3:17-cv-00021
v.	)	JUDGE CRENSHAW
	)	
CORIZON HEALTH CARE	)	
SERVICES, et al,	)	
	)	
Defendants.	)	

ORDER

On January 9, 2017, Mitchell Walck, an inmate of the Idaho State Correctional Center in Kuna, Idaho, filed this *pro se* action under 42 U.S.C. § 1983 against Corizon Health Care Services and Effie Reed, alleging violations of the Plaintiff's federal civil rights. (Doc. No. 1). The Plaintiff also submitted an application to proceed *in forma pauperis*. (Doc. No. 2).

By Order entered on February 3, 2017, the Court determined that the Plaintiff is a "three striker" pursuant to the Prison Litigation Reform Act and that his complaint does not establish that he is under an imminent danger of serious physical injury. Therefore, the Court denied the Plaintiff's application to proceed *in forma pauperis*. (Doc. No. 3 at pp. 1-4).¹ The Court gave the Plaintiff twenty-eight (28) days from the date he received the Court's Order to remit the full

¹The Plaintiff is subject to the "three-strikes" provision under 28 U.S.C. § 1915(g) because he has, on at least three prior occasions, filed a civil action or an appeal that was dismissed as frivolous, malicious or for failure to state a claim. See Mitchell Lee Walck v. Warden Mike Mahoney, et al., No. 6:05-cv-00047 (D. Montana 2006)(Doc. No. 4)(finding that the Plaintiff had earned at least three strikes for having cases dismissed for failure to state a claim upon which relief may be granted and denying the Plaintiff's application to proceed as a pauper).

civil filing fee if he wished to proceed. (Id.) The Court informed the Plaintiff that he could request an extension of time to pay the filing fee if he did so within twenty-eight (28) days of the date the Plaintiff received the Court's Order. (Id. at p. 4). The Court forewarned the Plaintiff that failure to remit the full filing fee would result in this action being dismissed, and the full amount of the filing fee being assessed against him. (Id.)

The Plaintiff subsequently filed a timely motion for an extension of time (Doc. No. 7), which the Court granted (Doc. No. 8). The Plaintiff was to submit the civil filing fee no later than March 21, 2017. (Id.)

On March 7, 2017, the Plaintiff filed a motion seeking the release of records. (Doc. No. 10). He also filed an affidavit in support of his motion. (Doc. No. 11). However, the Plaintiff has not submitted the civil filing fee.

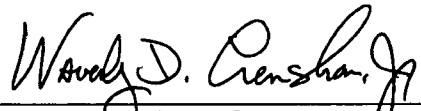
An action is subject to dismissal for want of prosecution where the *pro se* litigant fails to comply with the Court's orders or engages in a clear pattern of delay. Gibbons v. Asset Acceptance Corp., No. 1:05CV467, 2006 WL 3452521, at *1 (S.D. Ohio Nov. 29, 2006); see also Pilgrim v. Littlefield, 92 F.3d 413, 416 (6th Cir. 1996). District courts have the inherent power to *sua sponte* dismiss an action for want of prosecution "to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." Link v. Wabash Railroad, 370 U.S. 626, 630-31 (1962).

This action is hereby **DISMISSED** for failure to comply with the Order of the Court. Fed. R. Civ. P. 41(b). The Plaintiff's motion for release of records (Doc. No. 10) is hereby **DENIED**.

Because an appeal would **NOT** be taken in good faith, the Plaintiff is **NOT** certified to pursue an appeal from this judgment *in forma pauperis*. 28 U.S.C. § 1915(a)(3).

This Order constitutes the judgment in this case.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

Mitchell Walck

Plaintiff,

v.

Case No.: 3:17-cv-00021

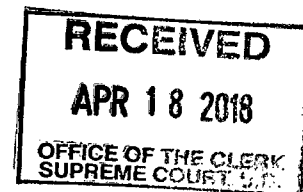
Corizon Health Care Services , et al.

Defendant,

ENTRY OF JUDGMENT

Judgment is hereby entered for purposes of Rule 58(a) and/or Rule 79(a) of the Federal Rules of Civil Procedure on 4/18/2017 re [13].

Keith Throckmorton, Clerk
s/ Elaine Hawkins, Deputy Clerk



UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
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Filed: January 4, 2018

Mr. Mitchell Walck
Idaho State Correctional Center
P.O. Box 70010
C Block
Boise, ID 83707

Re: Case No. 17-5613, *Mitchell Walck v. Corizon Health Care Services, et al*
Originating Case No. : 3:17-cv-00021

Dear Mr. Walck:

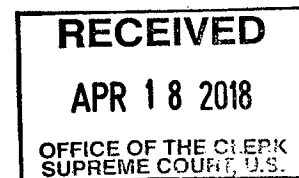
The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Jeanine R. Hance
Case Manager
Direct Dial No. 513-564-7037

cc: Mr. Keith Throckmorton

Enclosure



UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

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CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
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Filed: February 01, 2018

Mr. Mitchell Walck
Idaho State Correctional Center
P.O. Box 70010
C Block
Boise, ID 83707

Re: Case No. 17-5613, *Mitchell Walck v. Corizon Health Care Services, et al*
Originating Case No. : 3:17-cv-00021

Dear Mr. Walck,

Your motion of an extension to pay the filing fee is hereby GRANTED. The filing fee must be paid in the U.S. District Court on or before February 26, 2018. Failure to comply could result in dismissal of your appeal.

Sincerely yours,

s/Michelle M. Davis
for Jeanine Hance, Case Manager
Direct Dial No. 513-564-7037

cc: Mr. Keith Throckmorton

Enclosure