

ORIGINAL

In the United States Court of Federal Claims

No. 16-648C
(Filed August 16, 2016)
NOT FOR PUBLICATION

FILED

AUG 16 2016

U.S. COURT OF
FEDERAL CLAIMS

* * * * *

SCOTT ROBINSON,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

* * * * *

ORDER


On May 31, 2016, plaintiff Scott Robinson, who is proceeding *pro se*, filed a complaint in this court. Complaints filed in this court must be accompanied by either a \$400 filing fee pursuant to Rule 77.1(c) of the Rules of the United States Court of Federal Claims (RCFC) or an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. At the time Mr. Robinson filed his complaint, no filing fee was paid and no application to proceed *in forma pauperis* was filed.

On June 2, 2016, the court mailed a notice to the address provided by plaintiff in his complaint, explaining that by July 12, 2016, he must submit either the required filing fee or an application to proceed *in forma pauperis*, which is accessible on the court's website. See ECF No. 3. On June 13, 2016, the notice was returned to the court as undeliverable to plaintiff. See ECF No. 4. On July 21, 2016, Chambers left a voicemail message at the telephone number provided by Mr. Robinson in his complaint, explaining that a filing fee or an application to proceed *in forma pauperis* is required to pursue an action in this court. Again, on August 2, 2016, another voicemail message was left by Chambers at Mr. Robinson's telephone number, explaining that if he did not contact the court within 24 hours, his case would be closed for failure to prosecute under RCFC 41(b). See *Griffith v. United States*, No. 14-793C, 2015 WL 1383959, at *3 (Fed. Cl. Mar. 20, 2015) (holding that the case could be involuntarily dismissed for failure to prosecute under RCFC 41(b)).

when plaintiff's *in forma pauperis* motion was denied and he failed to timely pay the required filing fee).

Because plaintiff has not paid the filing fee or submitted an application to proceed *in forma pauperis* and has failed to respond to Chambers' efforts to contact him regarding this deficiency, this case is **DISMISSED** without prejudice for failure to prosecute under RCFC 41(b). The government's motion to dismiss for lack of subject matter jurisdiction is **DENIED** as moot. The Clerk is directed to close this case.

IT IS SO ORDERED.



VICTOR J. WOLSKI
Judge