

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-00912-ZLW

BRIAN TURNER,

Plaintiff,

v.

JEFFERSON COUNTY, CO,
EAGLE COUNTY, CO,
EL PASO COUNTY, CO,
DENVER COUNTY, CO,
PROWER COUNTY, CO,
MESA COUNTY, CO,
FREMONT COUNTY, CO, and
BOULDER COUNTY, CO.,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

AUG 24 2006

GREGORY C. LANGHAM
CLERK

ORDER VACATING ORDER AND JUDGMENT OF DISMISSAL

In an Order and Judgment of Dismissal filed on August 9, 2006, the Court dismissed the instant action because Plaintiff Brian Turner failed either to pay the initial partial filing fee or to show cause why he was unable to pay the initial partial filing fee. On August 17, 2006, Mr. Turner filed *pro se* a letter to the Court that has been docketed as a motion to reconsider the Order and Judgment of Dismissal. Mr. Turner states in the motion to reconsider that he never received a copy of the order granting him leave to proceed *in forma pauperis* and directing him to pay an initial partial filing fee. A review of the Court's records reveals that the order granting Mr. Turner leave to proceed *in forma pauperis* was returned to the Court undelivered on July 10, 2006, and that the reason for nondelivery was insufficient postage. Therefore, the motion

to reconsider will be granted and the Order and Judgment of Dismissal entered in this action will be vacated. Mr. Turner will be provided a copy of the order granting him leave to proceed *in forma pauperis* and he will be directed either to pay the initial partial filing fee or to show cause why he is unable to pay the initial partial filing fee. Accordingly, it is

ORDERED that the Court's Order and Judgment of Dismissal filed in this action on August 9, 2006, is vacated. It is

FURTHER ORDERED that the clerk of the Court mail to Mr. Turner, together with a copy of this order, a copy of the Order Granting Leave to Proceed Pursuant to 28 U.S.C. § 1915 filed in this action on June 29, 2006. It is

FURTHER ORDERED that Mr. Turner shall have thirty (30) days from the date of this order either to pay the initial partial filing fee designated in the June 29 order or to show cause as directed in that order why he is unable to pay the initial partial filing fee. It is

FURTHER ORDERED that the complaint and the action will be dismissed without further notice if Mr. Turner fails to comply with the Order Granting Leave to Proceed Pursuant to 28 U.S.C. § 1915 within thirty days.

DATED at Denver, Colorado, this 23 day of Aug., 2006.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 06-cv-00912-BNB

Brian Turner
Prisoner No. 127264
Fremont Corr. Facility
PO Box 999
Canon City, CO 81215-0999

I hereby certify that I have mailed a copy of the **ORDER** and a copy of the Order filed **6/29/06** to the above-named individuals on 8/24/06

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk