

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADOFILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 21 2007

Civil Action No. 06-cv-01214-BNB

GREGORY C. LANGHAM
CLERK

LOREN R. LUSERO,

Plaintiff,

v.

JOHN WELT, Correctional Lieutenant,
PA. PURDUE, Correctional Lieutenant,
CLYDE STAHL, Correctional Chairperson, CM 111,
CORRECTIONAL OFFICER, of Delta Correctional Facility of Housing Unit-5 (3rd Shift),
Nov. 23, 2005,
"CAPTAIN," Delta Correctional Facility (3rd Shift), Nov. 23, 2005,
DEAN CONROY, Colorado Assistant Attorney General,
METZGER, J., Colorado Appellate Judge, Colorad [sic] District Judge, and
"CRG," of Delta County, Colorado,

Defendants.

ORDER DISCHARGING ORDER TO SHOW CAUSE

On June 7, 2007, the Court ordered Plaintiff, Loren R. Lusero, to show cause within thirty days why this action should not be dismissed for his failure to comply with the Court's June 26, 2006, order and the requirements of 28 U.S.C. § 1915(b)(2) during the pendency of the appeal in this action. In the Court's June 26 order, Mr. Lusero was instructed either to make the required monthly payments or to show cause each month why he has no assets and no means by which to make the monthly payment. On June 18, 2007, Mr. Lusero submitted his response to the order to show cause.

The Court must construe liberally the response to the order to show cause because Mr. Lusero is representing himself. *See Haines v. Kerner*, 404 U.S. 519,

520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). However, the Court should not be the *pro se* litigant's advocate. *Hall*, 935 F.2d at 1110.

In his response to the show-cause order, Mr. Lucero contends that he had insufficient funds in his trust fund account to make the monthly filing fee payments during the time period in question, and attaches a copy of his trust fund account statement from September 1, 2006, to June 13, 2007, which covers this time period. The June 7, 2007, show-cause order will be discharged at this time. The Court will commence conducting proceedings in keeping with the May 24, 2007, mandate entered by the United States Court of Appeals for the Tenth Circuit. Accordingly, it is

ORDERED that the June 7, 2007, order to show cause is discharged.

DATED June 21, 2007, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

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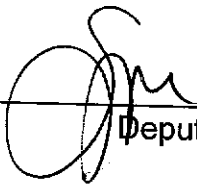
CERTIFICATE OF MAILING

Civil Action No. 06-cv-01214-BNB

Loren R. Lusero
Prisoner No. 124354
CSP – A1-22
PO Box 777
Cañon City, CO 81215- 0777

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 6/21/07

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk