

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-02255-ZLW

MIKE MARZONIE,

Plaintiff,

v.

JUDGE STANLEY MAYHEW, District II,  
SHERIFF FRED WAGNER,  
LT. MULDOON,  
DEPUTY JEFF WOODS, and  
BRIAN GREEN, D/A District II,

Defendants.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

MAR 28 2007

GREGORY S. LANGHAM  
CLERK

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ORDER GRANTING MOTION FOR RECONSIDERATION AND  
DENYING MOTION FOR CHANGE OF VENUE

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This matter is before the Court on the "Motion for Reconsideration and Change of Venue" that Plaintiff, a *pro se* litigant, filed with the Court on March 20, 2007. Mr. Marzonie seeks reconsideration of the order and judgment entered on February 16, 2007. Mr. Marzonie currently appears to reside in Bailey, Colorado.

The Complaint and action were dismissed without prejudice because Mr. Marzonie failed within the time allowed either to pay the \$350.00 filing fee or to submit a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, that included a certified copy of his trust fund account statement. As an attachment to the March 20, 2007, Motion for Reconsideration, Mr. Marzonie has submitted a copy of this Court's receipt dated January 4, 2007, showing that he did in fact pay a \$350.00 filing fee in

this action. Payment of the \$350.00 filing fee was not recorded on the docket report for this action at the time the Complaint and action were dismissed.

Therefore, the March 20, 2007, Motion for Reconsideration will be granted. The Clerk of the Court will be directed to reopen this action. Accordingly, it is


ORDERED that Plaintiff's Motion for Reconsideration, filed on March 20, 2007, is granted. It is

FURTHER ORDERED that the Clerk of the Court is directed to reopen this action. It is

FURTHER ORDERED that Plaintiff's Motion for Change of Venue, filed March 20, 2007, is denied.

DATED at Denver, Colorado, this 28 day of March, 2007.

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-02255-BNB

Mike Marzonie  
c/o Fred Konrad  
PO Box 254  
Pine, CO 80470

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 3-28-07

GREGORY C. LANGHAM, CLERK

By:   
Deputy Clerk