

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-02253-BNB

CLIFFORD N. WOODS,

Plaintiff,

v.

EL PASO COUNTY DISTRICT COURT,
JUDGE DAVID S. PRINCE, El Paso County,
VELLAR, El Paso County District Attorney,
OFFICER LLOYD, El Paso County, and
OFFICER REUHLEN, El Paso County,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB - 1 2008

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff Clifford N. Woods is detained at the El Paso County Criminal Justice Center in Colorado Springs, Colorado. Plaintiff has filed with the Court a *pro se* Prisoner Complaint pursuant to 42 U.S.C. § 1983. He also filed a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915.

On November 28, 2007, Magistrate Judge Boyd N. Boland entered an Order granting the § 1915 Motion. The Order required Plaintiff to pay the full amount of the \$350.00 filing fee in installments and directed him to pay an initial partial filing fee of \$8.00 within thirty days or to show cause why he has no assets and no means by which to pay the initial fee. The Order warned Plaintiff that if he failed to have the initial partial filing fee sent to the Clerk of the Court by the designated deadline or to show cause

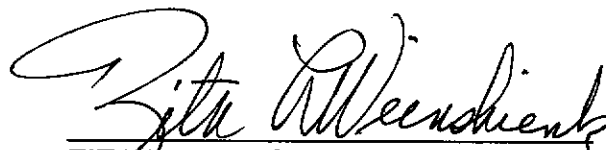
why he has no assets and no means by which to pay the initial fee the Complaint would be dismissed without further notice.

Plaintiff filed an account statement on December 18, 2007. The statement indicates Plaintiff had \$12.34 in his account on December 10, 2007. Because Plaintiff had sufficient funds in his inmate account to pay the \$8.00 initial partial filing fee, Plaintiff has failed to show cause why he has no assets and no means by which to pay the initial fee. Therefore, Plaintiff has failed either to pay the initial partial filing fee or to show cause within the time allowed, as he was directed to do in the November 28, 2007, Order. Accordingly, it is

ORDERED that the Prisoner Complaint and the action are dismissed without prejudice for Plaintiff's failure either to pay an initial partial filing fee of \$8.00 or to show cause why he has no assets and no means by which to pay the designated initial partial filing fee within thirty days of the November 28, 2007, Order.

DATED at Denver, Colorado, this 31 day of Jan., 2008.

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. 07-cv-02253-BNB

Clifford N. Woods
Prisoner No. A00128785
El Paso County Det. Facility
2739 E. Las Vegas St.
Colorado Springs, CO 80906

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 2/1/08

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk