

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-02708-BNB

DOUGLAS A. GLASER,

Plaintiff,

v.

THE CITY AND COUNTY OF DENVER, COLORADO,  
RAY WILLIS MANNON, individually and d/b/a JOSTEE BAIL BONDS, LLC,  
UNKNOWN AGENT, ACCREDITED INSURANCE, individually and in his official  
capacity as insurance provider for JOSTEE BAIL BONDS, LLC,  
JOE JOYCE, Social Security administration agent, individually and in his official  
capacity acting under color of law,  
FRED YBARRA, Denver Police Detective, individually and in his official capacity acting  
under color of law,  
MATT McQUEEN, U.S. Secret Service Agent, individually and in his official capacity  
acting under color of law,  
RHEA BABCOCK, Colorado Division of Securities Investigator, individually and in her  
official capacity acting under color of law,  
SERGENT ROCK, Denver Police Officer, individually and in his official capacity acting  
under color of law, and  
MICHAEL MARTINEZ, Denver District Court Judge, individually and in his official  
capacity acting under color of law,  
  
Defendants.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

FEB 08 2008

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Plaintiff Douglas A. Glaser is an inmate at the Denver County Jail in Denver, Colorado. In an order filed on December 28, 2007, Magistrate Judge Boyd N. Boland granted Mr. Glaser leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in this action. Pursuant to § 1915(b)(1), Magistrate Judge Boland ordered Mr. Glaser either to pay an initial partial filing fee of \$32.00 or to show cause why he has no assets and no means by which to pay the initial partial filing fee. Mr. Glaser was instructed

that, in order to show cause why he cannot pay the \$32.00 initial partial filing fee, he must submit a current certified copy of his inmate trust fund account statement. Mr. Glaser was warned that the complaint and the action would be dismissed without further notice if he failed either to pay the initial partial filing fee or to show cause as directed within thirty days.

On January 31, 2008, Mr. Glaser filed a "Motion for Extension of Time to Pay Filing Fees." Mr. Glaser alleges in the motion that, although he has \$58.00 in his inmate account, he lacks sufficient funds at this time to pay the \$32.00 initial partial filing fee because he also was ordered to pay an initial partial filing fee of \$32.00 in another civil action. ***See Glaser v. City and County of Denver***, No. 07-cv-02707-BNB (D. Colo. filed Dec. 28, 2007). Mr. Glaser also tendered to the Court on January 31, 2008, a payment in the amount of \$25.00. That payment was returned to Mr. Glaser because it was less than the amount of the required initial partial filing fee.

The Court has reviewed the motion for an extension of time and the copy of Mr. Glaser's inmate account statement that is attached to the motion. The account statement reveals that Mr. Glaser had a balance in his account of \$86.48 on December 28, 2007, when he was ordered to pay an initial partial filing fee of \$32.00. The account statement also shows an additional deposit of \$20.00 on January 15, 2008. Finally, the account statement shows four commissary purchases in the month of January in the amounts of \$25.80, \$10.15, \$11.20, and \$1.30 that reduced Mr. Glaser's balance to \$58.03 as of January 23, 2008.

The Court finds that Plaintiff has sufficient funds to pay the initial partial filing fee in this action. In fact, before making the commissary purchases detailed above, Mr.

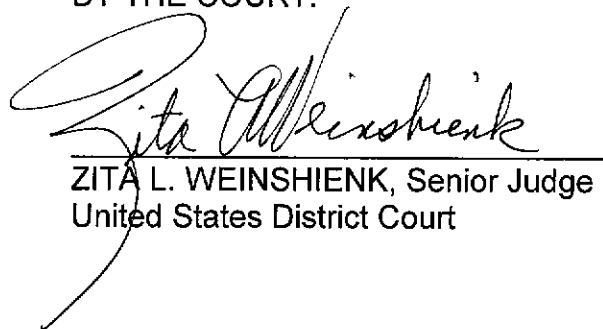
Glaser had sufficient funds in his inmate account to pay the initial partial filing fee in both of the lawsuits he has initiated. Plaintiff's choice to use the funds in his inmate account for purposes other than payment of the required initial partial filing fee does not demonstrate that he lacks sufficient funds. Therefore, the motion for an extension of time to pay the initial partial filing fee will be denied. The complaint and the action will be dismissed for Mr. Glaser's failure either to pay the initial partial filing fee or to show cause as directed why he is unable to pay the initial partial filing fee. Accordingly, it is

ORDERED that the "Motion for Extension of Time to Pay Filing Fees" filed on January 31, 2008, is denied. It is

FURTHER ORDERED that the complaint and the action are dismissed without prejudice because Plaintiff failed either to pay the initial partial filing fee or to show cause as directed why he has no assets and no means by which to pay the initial partial filing fee.

DATED at Denver, Colorado, this 7 day of February, 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-02708-BNB

Douglas A. Glaser  
Prisoner No. 1460118  
Denver County Jail  
PO Box 1108  
Denver, CO 80201

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 2/8/18

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_

*Anya*  
Deputy Clerk