

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02534-BNB

TAWNYA GOETZ,  
DEBORAH WAY,  
MONICA FISHER,  
MAEGHAN DODGE,  
TAMI YELVINGTON,  
KATHLEEN CLARK,  
TINA BOWMAN,  
TESSIE KING,  
RACHEL BOWMAN,  
KIONNA REAVES,  
SHIRELLE GUZMAN,  
KATHERINE FISHER,  
PAM CISNEROS,  
MARY LOZANO,  
DAGNY BROWN,  
REGINA VIGIL,  
THERESA GARCIA,  
APRIL POPE, and  
HEATHER POWERS,

Plaintiffs,

v.

ARISTEDE ZAVARAS,  
BILL RITTER,  
LARRY REID,  
LAURIE McGOWAN,  
STEVEN OWENS,  
JOHN DOES I THROUGH X, and  
JANE DOES I THROUGH X,

Defendants.

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

JAN 05 2009

GREGORY C. LANGHAM  
CLERK

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ORDER DIRECTING PLAINTIFFS TO SUBMIT AMENDED MOTIONS  
FOR LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915

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At the time Plaintiffs Theresa Garcia and Katherine Fisher initiated the instant action, they were in the custody of the Colorado Department of Corrections and were incarcerated at the LaVista Correctional Facility in Pueblo, Colorado. Ms. Garcia and Ms. Fisher submitted to the Court Changes of Address indicating that they no longer are incarcerated and are residing in Englewood, Colorado, and Fort Collins, Colorado, respectively.

Plaintiffs' continuing obligation to pay the filing fee is to be determined, like any nonprisoner, solely on the basis of whether they qualify for *in forma pauperis* status. **See *Whitney v. New Mexico***, 113 F.3d 1170, 1171 n.1 (10<sup>th</sup> Cir. 1997); **see also *McGore v. Wrigglesworth***, 114 F.3d 601, 612-13 (6<sup>th</sup> Cir. 1997); ***In re Prison Litigation Reform Act***, 105 F.3d 1131, 1138-39 (6<sup>th</sup> Cir. 1997); ***McGann v. Commissioner, Soc. Sec. Admin.***, 96 F.3d 28, 29-30 (2<sup>d</sup> Cir. 1996). Therefore, Plaintiffs will be ordered to submit an Amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Alternatively, Plaintiffs may elect to pay the \$350.00 filing fee to pursue their claims in this action. Accordingly, it is

ORDERED that Ms. Garcia and Ms. Fisher shall each submit within thirty days from the date of this Order an Amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Alternatively, Plaintiffs may elect to pay the \$350.00 filing fee to pursue their claims in this action. It is

FURTHER ORDERED that the Clerk of the Court shall mail to both Ms. Garcia and Ms. Fisher, together with a copy of this Order, two copies of the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form, used by nonprisoners in submitting requests to proceed pursuant to § 1915. It is

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FURTHER ORDERED that if Plaintiffs fail to comply with the instant Order, within thirty days, the Complaint and action will be dismissed without further notice.

DATED January 5, 2009, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 08-cv-02534-BNB

Tawnya Goetz  
Prisoner No. 116598  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

Tina Bowman  
Prisoner No. 131680  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

Pam Cisneros  
Prisoner No. 92153  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

Deborah Way  
Prisoner No. 139148  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

Tessie King  
Prisoner No. 80559  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

Mary Lozano  
Prisoner No. 127199  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

Monica Fisher  
Prisoner No. 138591  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

Rachel Bowman  
Prisoner No. 135709  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

Dagny Brown  
Prisoner No. 102486  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

Meaghan Dodge  
Prisoner No. 123998  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

Kionna Reaves  
Prisoner No. 140574  
Denver Women's Corr.  
Facility  
PO Box 392005  
Denver, CO 80239

Regina Vigil  
Prisoner No. 141427  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

Tami Yelvington  
Prisoner No. 121982  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

Shirelle Guzman  
Prisoner No. 118941  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

Theresa Garcia  
4211 ½ S. Acoma St.  
Englewood, CO 80113

Kathleen Clark  
Prisoner No. 55346  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

Katherine Fisher  
c/o Nicole Martinez  
820 Merganser Dr. 1601  
Ft. Collins, CO 80524

April Pope  
Prisoner No. 69820  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

Heather Powers  
Prisoner No. 136986  
La Vista Corr. Facility  
1401 West 17<sup>th</sup> Street  
Pueblo, CO 81003

I hereby certify that I have mailed a copy of the **ORDER to the above named individuals and two copies of the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915 form to Theresa Garcia and Katherine Fisher** 1/5/09.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk