

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,
KONNA 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 26 2009

GREGORY C. LANGHAM
CLERK

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

At the time Plaintiff Tina Bowman initiated the instant action, she was in the custody of the Colorado Department of Corrections and was incarcerated at the LaVista Correctional Facility in Pueblo, Colorado. Ms. Bowman submitted to the Court a Notice of Change of Address indicating that she no longer is incarcerated and now is residing in Colorado Springs, Colorado.

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

ORDERED that Ms. Bowman 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, Plaintiff may elect to pay the \$350.00 filing fee to pursue her claims in this action. It is

FURTHER ORDERED that the Clerk of the Court mail to Ms. Bowman, 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 that is used by nonprisoners in submitting requests to proceed pursuant to § 1915. It is

FURTHER ORDERED that if Plaintiff fails to comply with the instant Order, within thirty days of the date of the Order, she will be dismissed from the action without further notice.

DATED January 26, 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 17th Street
Pueblo, CO 81003

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

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

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

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

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

Tina Bowman
2934 E. Fountain Blvd.
Colo. Springs, CO 80901

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

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

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

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

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

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

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

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

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

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

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

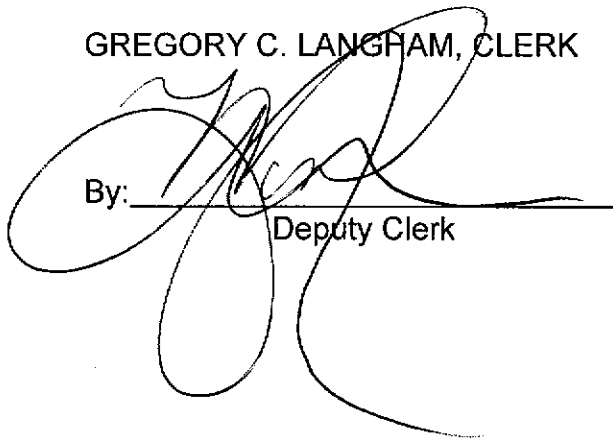
Heather Powers
Prisoner No. 136986
La Vista Corr. Facility
1401 West 17th Street
Pueblo, CO 81003

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 Tina Bowman** 1/26/09

GREGORY C. LANGHAM, CLERK

By: _____

Deputy Clerk

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and loops around the line, extending significantly above and below it.