

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

FEB 18 2009

GREGORY G. LANGHAM
CLERK

ORDER OF DISMISSAL

At the time Plaintiff Theresa Garcia 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. Garcia submitted to the Court a change of address, on December 12, 2008, indicating that she no longer is incarcerated and now is residing in Englewood, Colorado.

In an order entered on January 5, 2009, Magistrate Judge Boyd N. Boland instructed Ms. Garcia that because she no longer is incarcerated she is obligated to pay the filing fee 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).

Magistrate Judge Boland ordered Ms. Garcia either to submit an Amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, or in the alternative to pay the \$350.00 filing fee in full if she desired to pursue her claims in this action. Ms. Garcia was warned that the action would be dismissed without further notice if she failed to comply with the January 5, 2009, Order within the time allowed.

Ms. Garcia now has failed to communicate with the Court, and as a result she has failed to comply with Magistrate Judge Boland's January 5, 2009, Order within the time allowed. Accordingly, it is

ORDERED that Ms. Garcia is dismissed from the instant action for failure to comply with the January 5, 2009, Order within the time allowed.

DATED at Denver, Colorado, this 13 day of Feb., 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Zita Weinsienk", written in a cursive style. The signature is positioned above a horizontal line.

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. 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
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Monica Fisher
Prisoner No. 138591
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1401 West 17th Street
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Meaghan Dodge
Prisoner No. 123998
La Vista Corr. Facility
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Tami Yelvington
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Pueblo, CO 81003

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

Tessie King
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Rachel Bowman
Prisoner No. 135709
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1401 West 17th Street
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Kionna Reaves
Prisoner No. 140574
DWCF
PO Box 392005
Denver, CO 80239

Shirelle Guzman
Prisoner No. 118941
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Katherine Fisher
c/o Nicole Martinez
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Ft. Collins, CO 80524

Pam Cisneros
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Mary Lozano
Prisoner No. 127199
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Dagny Brown
Prisoner No. 102486
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Regina Vigil
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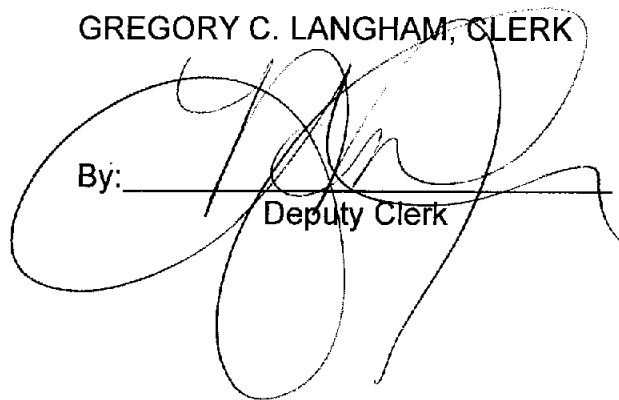
Theresa Garcia
4211 ½ S. Acoma St.
Englewood, CO 80113

April Pope
Prisoner No. 69820
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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 on 2/13/09

GREGORY C. LANGHAM, CLERK

By:  Deputy Clerk