

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02688-BNB

ROGER SCOTT BLACKBURN,

Plaintiff,

v.

COLO. BOARD OF PAROLES (EXEC. DIR.) CHAIRMAN,
BOARD MEMBER WAGGNER,
BOARD MEMBER C. DEBACA, and
COLO. DEPT. OF CORR. EXEC. DIR.,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
JAN 21 2009
GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

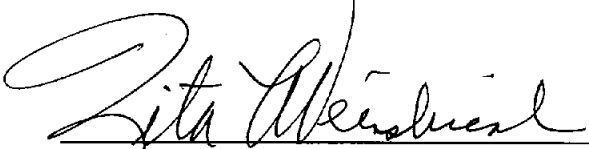
In an order filed on December 11, 2008, Magistrate Judge Boyd N. Boland granted Plaintiff leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in this action. Pursuant to § 1915(b)(1), Magistrate Judge Boland ordered Plaintiff either to pay an initial partial filing fee or to show cause why he has no assets and no means by which to pay the initial partial filing fee. Plaintiff 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 within thirty days.

Plaintiff has failed within the time allowed either to pay the initial partial filing fee or to show cause why he is unable to pay the initial partial filing fee. Plaintiff has failed to respond to Magistrate Judge Boland's December 11 order in any way. Therefore, the complaint and the action will be dismissed. Accordingly, it is

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

DATED at Denver, Colorado, this 21 day of Jan, 2009.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

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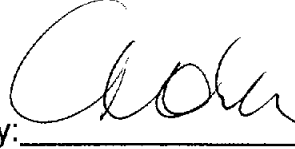
CERTIFICATE OF MAILING

Civil Action No. 08-cv-02688-BNB

Roger Scott Blackburn
Prisoner No. 127949
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 4/21/09

GREGORY C. LANGHAM, CLERK

By: 
Deputy Clerk