

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**FILED**
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 01 2009

GREGORY C. LANGHAM
CLERK

Civil Action No. 09-cv-00065-BNB

CURTIS LEROY ROBERTSON,

Plaintiff,

v.

BLAKE DAVIS,

Defendant.

ORDER OF DISMISSAL

On February 12, 2009, Magistrate Judge Boyd N. Boland entered an order granting 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 of \$44.00 or to show cause why he has no assets and no means by which to pay the initial partial filing fee. Plaintiff was instructed that, in order to show cause why he cannot pay the \$44.00 initial partial filing fee, he must submit a current **certified** copy of his inmate trust fund account statement. Plaintiff was warned that the Complaint 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 March 12, 2009, Plaintiff submitted to the Court a current copy of his account statement. The copy of the account statement that Plaintiff submitted to the Court on March 12, 2009, is not certified. The Court, therefore, finds that Plaintiff has

failed to show cause, as he was directed, why he is unable to pay the initial partial filing fee. Accordingly, it is

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 why he has no assets and no means by which to pay the initial partial filing fee by submitting a current certified copy of his trust fund account statement.

DATED at Denver, Colorado, this 1 day of April, 2009.

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. 09-cv-00065-BNB

Curtis Leroy Robertson
Reg. No. 16548-064
USP - Florence
PO Box 7000
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 4/1/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk