

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. 09-cv-00103-BNB

APR 15 2009

NEAL ALLEN MORRIS,

GREGORY C. LANGHAM
CLERK

Plaintiff,

v.

THE STATE OF COLORADO,
THE EXECUTIVE BRANCH OF THE GOVERNMENT OF COLO. (Including but not limited to),
THE GOVERNOR OF COLORADO,
THE COLORADO DEPT. OF CORRECTIONS (DOC) AND EMPLOYEES AND CONTRACT WORKERS THEREOF,
THE COLORADO STATE PAROLE BOARD] AND EMPLOYEES AND CONTRACT WORKERS THEREOF,
THE COLO. ADULT PAROLE AND COMMUNITY CORRECTIONS (COMCOR) AND EMPLOYEES AND CONTRACT WORKERS THEREOF,
THE KIT CARSON CORRECTIONAL CENTER (KCCC) IN KIT CARSON COUNTY, COLORADO,
BILL RITTER JR., Governor of the State of Colorado,
ARISTEDES W. ZAVARAS, Executive Director of the DOC,
ANTHONY A. DeCESARO, Grievance Officer of DOC,
JEANNIE MILLER, Executive Director of the Colorado State Parole Board,
TIM HAND, Executive Director of COMCOR,
WES ALLEN, With COMCOR,
DAVID ALLEN, Parole Officer with West Metro Parole Office,
CORY POWERS, Parole Officer with the West Metro Parole Office,
HOYT BRILL, Warden of KCCC,
MR. WILKERSON, Assistant Warden of KCCC,
MR. WINDSLOW, Legal Access Facilitator of KCCC,
MR. HASSENFRIE, Unit E Unit Manager of KCCC,
MS. COPPER, Unit C Unit Manager of KCCC,
MS. PATTON, Unit E Case Manager of KCCC,
MS. VAUGHN, Unit C Case Manager of KCCC,
MS. MAINE, Private Prison Monitor Unit Staff of KCCC
MR. SMELSER, Private Prison Monitor Unit Staff of KCCC,
MR. PHILLIPS, Code of Penal Discipline Hearing Officer of KCCC,
MS. BLAKE, Grievance Officer at KCCC,
MR. OSBORN, Property Officer of KCCC, and
OTHER DOC, PAROLE BOARD, AND COMCOR PARTIES WHO ARE CURRENTLY UNKNOWN,

Defendants.

ORDER

This matter arises on the *pro se* pleading titled "Monthly Response to Order to Show Cause, and Clarification" filed by the plaintiff on April 13, 2009. The plaintiff again challenges, as he did in the pleading titled "Response to Order to Show Cause" filed March 6, 2009, the Court's requirement that he file a monthly certified account statement indicating that he does not have sufficient funds to pay a monthly fee as required under 28 U.S.C. § 1915. He also challenges the fee the Colorado Department of Corrections (DOC) charges for photocopies.

The plaintiff does not have a constitutional right to photocopies. Hand-written copies will be accepted for filing. The plaintiff is responsible for making the necessary arrangements to have the monthly payments sent to the Court or in the alternative to file a current certified copy of his trust fund account statement that shows he is unable to make the payments.

The plaintiff is not unreasonably burdened by the monthly requirement to make payments or show cause for non-payment by filing his trust fund account statement demonstrating that he is not able to make the monthly payment. The plaintiff does not have to file any photocopies with his payment or with his trust fund account statement.

In particular, DOC Administrative Regulation No. 200-02 indicates that the plaintiff receives a monthly trust fund statement without charge. DOC A.R. 200-02 IV.O. A fifty-cent processing charge is assessed only when a prisoner requests that a prison staff member research an account, but the fee is waived if an error is found. A.R. 200-02 IV.P.11. Only if the plaintiff requests copies of his account statement is he

assessed a \$.25 per page fee. A.R. 200-02IV.P.12.

IT IS ORDERED that the plaintiff's request for automatic payment arrangements by the DOC and waiver of the monthly submission of a certified account statement is denied.

DATED April 15, 2009, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

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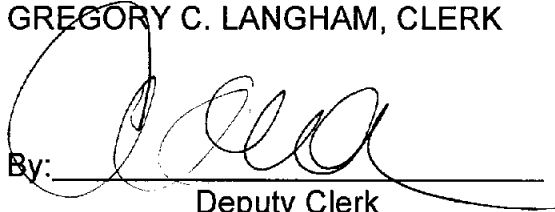
CERTIFICATE OF MAILING

Civil Action No. 09-cv-00103-BNB

Neal Allen Morris
Prisoner No. 130198
Kit Carson Corr. Center
PO Box 2000
Burlington, CO 80807

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 4/15/09

GREGORY C. LANGHAM, CLERK

By: 
Deputy Clerk