

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00115-BNB

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JACQUES PIERRE WARD,

JUN 18 2009

Plaintiff,

GREGORY C. LANGHAM  
CLERK

v.

SUSAN JONES, CSP Warden, in her individual and official capacities,  
LARRY REID, Former CSP Warden, in his individual and official capacities,  
ANGEL MEDINA, CSP Associate Warden, in his individual and official capacities,  
MAJOR DAVIS, CSP Custody/Control Manager, in his individual and official capacities,  
PHIL MONDRAGON, CSP Correctional Officer, in his individual and official capacities,  
OFFICER QUINTANA, CSP Correctional Officer, in her individual capacity,  
MAJOR TOM MEEKS, CCF Custody/Control Manager, in his individual capacity,  
SERGEANT KEVIN CRUTCHER, CSP Correctional Officer, in his individual capacity,  
SERGEANT SIMMS, CSP Correctional Officer, in his individual capacity,  
SERGEANT AMY ROSS, CSP Correctional Officer, in her individual capacity,  
SERGEANT PADILLA, CSP Correctional Officer, in his individual capacity,  
SERGEANT MICHELLE TAYLOR, CSP Correctional Officer, in her individual capacity,  
OFFICER VIGIL, CSP Correctional Officer, in her individual capacity,  
SERGEANT TRUJILLO, CCF Correctional Officer, in her individual capacity,  
OFFICER JOHN ANTHONY ANAYA, Correctional Officer, in his individual capacity,  
OFFICER MARTINEZ, CSP Correctional Officer, in his individual capacity,  
LIEUTENANT SHAWNA TROXEL, CSP Investigating Officer, in her individual capacity,  
OFFENDER ORTIZ, CSP Inmate, in his individual capacity,  
SERGEANT CROSS, CSP Intel Officer, in his official and individual capacities,  
SERGEANT DENT, CSP Intel Officer, in his official and individual capacities,  
LIEUTENANT WILL, CSP Correctional Officer, in her individual capacity,  
LIEUTENANT PRYOR, CSP Correctional Officer, in her individual capacity,  
ARISTEDES W. ZAVARAS, C.D.O.C. Exec. Director, in his official and individual  
capacities, and  
LIEUTENANT MARK MATHEWS, in his individual capacity,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff Jacques Pierre Ward initiated this action by filing *pro se* a Prisoner  
Complaint pursuant to 42 U.S.C. § 1983 alleging that his rights under the United States

Constitution have been violated. On April 2, 2009, Magistrate Judge Boyd N. Boland ordered Mr. Ward to file an amended complaint that clarifies the claims he is asserting in this action. Magistrate Judge Boland warned Mr. Ward that the twenty-one named Defendants against whom no claims are asserted in the Prisoner Complaint would be dismissed as parties to this action if he failed to file an amended complaint within thirty days. On May 4, 2009, Magistrate Judge Boland entered a minute order granting Mr. Ward's motion for an extension of time to file an amended complaint.

Mr. Ward has not filed an amended complaint within the time allowed. However, rather than dismissing only those parties against whom no claims are asserted in the Prisoner Complaint, the Court will dismiss the entire action because Mr. Ward has failed to make the required monthly filing fee payments.

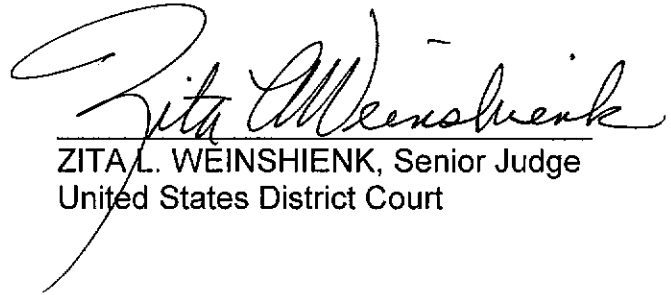
In an order filed on March 30, 2009, Magistrate Judge Boland granted Mr. Ward leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 and allowed him to proceed without payment of an initial partial filing fee. Pursuant to § 1915(b)(1), Mr. Ward was ordered to pay the full \$350.00 filing fee and he was directed to pay the filing fee in installments. Pursuant to § 1915(b)(2), Mr. Ward is required to make "monthly payments of 20 percent of the preceding month's income credited to [his] account" until the filing fee is paid in full. In the March 30 order, Mr. Ward was instructed either to make the required monthly payments or to show cause each month why he has no assets and no means by which to make a monthly payment. In order to show cause, Mr. Ward was directed to file a current certified copy of his inmate trust fund account statement. Mr. Ward was warned that a failure to comply with the requirements of § 1915(b)(2) would result in the dismissal of this action without further notice. Despite

this warning, Mr. Ward has failed to make any monthly filing fee payments or to show cause why he has no assets and no means by which to make the required monthly filing fee payments. Therefore, the action will be dismissed. Accordingly, it is

ORDERED that the complaint and the action are dismissed without prejudice for failure to make the required monthly filing fee payments.

DATED at Denver, Colorado, this 17 day of June, 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-00115-BNB

Jacques Pierre Ward  
Prisoner No. 80524  
Centennial Correctional Facility  
P.O. Box 600 – Unit A2-2-3  
Cañon City, CO 81215-0600

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 6/18/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk