

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00513-BNB

ALLEN M. DAWKINS,

Plaintiff,

v.

OFFICER KEENAN,
OFFICER DUNN, and
SARGENT DORTHEY,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY - 8 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

On March 30, 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 \$3.00 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 \$3.00 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.

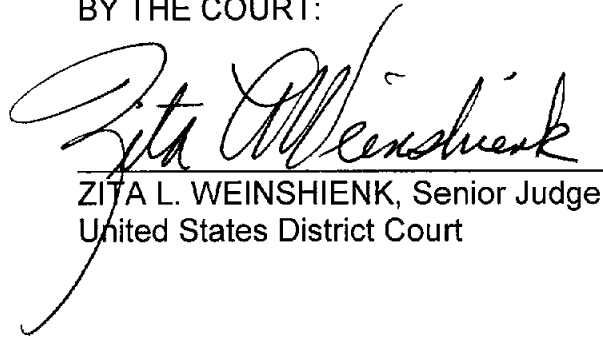
On April 3, 2009, Plaintiff submitted to the Court a certified copy of his inmate trust fund account statement together with a cover letter stating that he is unable to pay the initial partial filing fee. However, the copy of the certified account statement that

Plaintiff submitted to the Court on April 3 is not current. Instead, Plaintiff submitted to the Court a copy of the account statement he previously submitted to the Court on March 23, 2009, in support of his motion seeking leave to proceed *in forma pauperis*. That account statement, which is dated February 6, 2009, does not demonstrate that Plaintiff currently lacks sufficient funds to pay the initial partial filing fee. Therefore, the Court finds that Plaintiff has failed to show cause as 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 as directed why he has no assets and no means by which to pay the initial partial filing fee.

DATED at Denver, Colorado, this 7 day of May, 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-00513-BNB

Allen Dawkins
Prisoner No. 1608490
Denver County Jail
P.O. Box 1108
Denver, CO 80201

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 5/8/09

GREGORY C. LANGHAM, CLERK

By:  _____

Deputy Clerk