

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01079-BNB

MR. JASON COMPTON,

Plaintiff,

v.

CDOC C/M MR. HERRERA,
CDOC C/M III MR. DAVID ALLEN,
BILL RITTER, JR., Governor,
ARISTEDES W. ZAVARAS, Executive Director of CDOC,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 09 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff Jason Compton is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Colorado Territorial Correctional Facility in Cañon City, Colorado. On April 30, 2009, Mr. Compton submitted to the Court a *pro se* Prisoner Complaint pursuant to 42 U.S.C. § 1983. He also filed a proper Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, which Magistrate Judge Boyd N. Boland granted on May 27, 2009.

The May 27, 2009, Order requires Mr. Compton to pay the full amount of the \$350.00 filing fee in installments and directs him to pay an initial partial filing fee of \$50.00 within thirty days or to show cause why he has no assets and no means to pay the initial fee by filing a current certified copy of his trust fund account statement. The Order warns Mr. Compton that if he fails to have the initial partial filing fee sent to the Clerk of the Court by the designated deadline or to show cause why he has no assets

and no means by which to pay the initial fee the Complaint would be dismissed without further notice.


Mr. Compton now has failed either to pay the initial partial filing fee within the time allowed, as designated in the May 27, 2009, Order, or in the alternative to show cause why he has no assets and no means by which to pay the designated fee.

Accordingly, it is

ORDERED that the Prisoner Complaint and the action are dismissed without prejudice for Mr. Compton's failure either to pay an initial partial filing fee of \$50.00 or to show cause why he has no assets and no means by which to pay the designated fee.

DATED at Denver, Colorado, this 8 day of July, 2009.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

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CERTIFICATE OF MAILING

Civil Action No. 09-cv-01079-BNB

Jason Compton
Prisoner No. 122779
CTCF - Unit 1
PO Box 1010
Cañon City, CO 81215- 1010

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 7/9/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk