

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01147-LTB-KMT

(Consolidated with Civil Action Nos. 09-cv-01218-LTB-KMT;
09-cv-01313-LTB-KMT; 09-cv-01352-LTB-KMT; and 09-cv-01553-LTB-KMT)

JAMES BRAXTON,
TROY GRAVES,
RONALD JOHNSON,
PAUL PALECEK, and
MICHAEL DAVID JOHNSON,

Plaintiffs,

v.

ARISTEDES ZAVARAS, THE EXECUTIVE DIRECTOR OF THE C.D.O.C.,
KEVIN MILDYARD,
TERRY BARTRUFF,
LLOYD WAIDE,
JEFF REVORD,
RAYMOND HIGGINS,
GARY LITTLE,
ROBERT KEISEL,
SHAWN REWOLT,
ASSOCIATE WARDEN CAROL SOARES,
MAJOR MARY COX-BERGMAN, and
UNKNOWN JOHN AND JANE DOES (MANAGEMENT TEAM MEMBERS AND SERT
TEAM MEMBERS);
ALL IN THEIR OFFICIAL AND INDIVIDUAL CAPACITIES,

Defendants.

ORDER

This matter is before the court on Plaintiff Troy Graves' "Motion for Court Ordered
Garnishment of Plaintiffs, Troy Graves Monthly State Account Income" (Doc. No. 42, filed
October 21, 2009). The plaintiff requests that the Court order the Colorado Department of
Corrections to make his monthly filing fee payments out of his inmate account.

Under the specific language of the Court's Order granting leave to proceed under 28 U.S.C. § 1915, the responsibility for ensuring that monthly filing payments are made, or demonstrating why such a payment cannot be made, remains with the plaintiff. This is the standard practice of the United States District Court for the District of Colorado in all prisoner cases. Accordingly, the plaintiff must monitor his own financial resources and work within the applicable rules and regulations existing at the facility where he is incarcerated to ensure that his monthly filing fee obligations are met. Plaintiff must make the required monthly payments or show cause **each** month why he has no assets and no means by which to make the monthly payment. Failure to comply with this requirement, under § 1915(b)(2), may result in dismissal of this action.

Plaintiff Troy Graves' "Motion for Court Ordered Garnishment of Plaintiffs, Troy Graves Monthly State Account Income" (Doc. No. 42) is DENIED.

Dated this 23rd day of October, 2009.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge