

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01352-BNB

PAUL PALECECK, also known as
PAUL PALECEK

Plaintiff,

v.

THE EXECUTIVE DIRECTOR OF THE C.D.O.C.,
KEVIN MILYARD,
TERRY BARTRUFF,
LLOYD WAIDE,
JEFF REVORD,
RAYMOND HIGGINS,
GARY LITTLE,
ROBERT KEISEL,
SHAWN REWOLDT,
ASSOCIATE WARDEN CAROL SOARES,
MAJOR KENNETH WILDENSTEIN, and
MAJOR MARY COX-BERGMAN,

All above named Defendants are sued in both their individual and official capacities.

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
JUL 14 2009
GREGORY C. LANGHAM
CLERK

AMENDED ORDER
GRANTING LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915

The court's Order Granting Leave to Proceed Pursuant to 28 U.S.C. § 1915 filed on June 30, 2009, is amended to include an additional spelling of Plaintiff's name and to add three defendants to the caption who were omitted in the previous order.

Plaintiff Paul Palecek has submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint. The Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 will be granted.

Based on the information about the plaintiff's financial status, the court finds that the plaintiff is able to pay an initial partial filing fee of \$11.00 pursuant to § 1915(b)(1).

Accordingly, it is

ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 is granted. Plaintiff shall be required to pay the full amount of the required \$350.00 filing fee pursuant to § 1915(b)(1) regardless of the outcome of this action. It is

FURTHER ORDERED that the plaintiff shall pay an initial partial filing fee of \$11.00. Plaintiff shall have **thirty (30) days from the date of this order** in which to have the designated fee sent to the clerk of the court or show cause why he has no assets and no means by which to pay the designated initial partial filing fee. In order to show cause, the plaintiff must file a current certified copy of his trust fund account statement. It is

FURTHER ORDERED that the clerk of the court shall provide the plaintiff with two copies of this order. Plaintiff is directed to make the necessary arrangements to have one copy of this order attached to the payment in the amount of the designated initial partial filing fee. It is

FURTHER ORDERED that the court will not review the merits of the Prisoner Complaint until the initial partial filing fee is paid or the plaintiff shows cause as directed above why he has no assets and no means by which to pay the designated initial partial filing fee. It is

FURTHER ORDERED that, after payment of the initial partial filing fee, the plaintiff shall be required to make monthly payments of twenty percent (20%) of the preceding month's income credited to his trust fund account or show cause each month as directed above why he has no assets and no means by which to make the monthly payment. Plaintiff is directed to make the necessary arrangements to have each monthly payment identified by the civil action number on this order. It is

FURTHER ORDERED that if within the time allowed the plaintiff fails to have the designated initial partial filing fee or monthly payments sent to the clerk of the court or to show cause as directed above why he has no assets and no means by which to pay the designated initial partial filing fee or make the monthly payments, the Prisoner Complaint will be dismissed without further notice. It is

FURTHER ORDERED that process shall not issue until further order of the court. It is

FURTHER ORDERED that the court may dismiss this action and may apply all or part of the filing fee payments tendered in this action to satisfy any filing fee debt the plaintiff may owe in a prior action or actions if the plaintiff fails to stay current with his payment obligations in the prior action or actions.

DATED at Denver, Colorado, this 14th day of July, 2009.

BY THE COURT:

s/Craig B. Shaffer
Craig B. Shaffer
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 09-cv-01352-BNB

Paul Palecek
Prisoner No. 88838
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

I hereby certify that I have mailed **two copies of the ORDER** to the above-named individuals on 7/14/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk