

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01503-BNB

KYLE K. BELL,  
Plaintiff,

08-cv-00335-WDM-KLM

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

v.

AUG 07 2009

UNITED STATES OF AMERICA,  
BUREAU OF PRISONS, and  
WARDEN WILEY,  
Defendants.

GREGORY C. LANGHAM  
CLERK

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ORDER CLOSING CASE

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On June 15, 2009, the Court received for filing a number of documents submitted by Plaintiff Kyle K. Bell. The documents submitted by Mr. Bell included a Prisoner Complaint, a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, a Motion for Court Appointed Counsel, and a Brief in Support of Motion for Court Appointed Counsel. None of the documents submitted to the Court by Mr. Bell that were received for filing on June 15, 2009, included a case number. Therefore, in an order filed on June 26, 2009, Magistrate Judge Boyd N. Boland ordered the clerk of the Court to commence a new civil action. Magistrate Judge Boland also granted Mr. Bell leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 and, pursuant to § 1915(b), directed him to pay the \$350.00 filing fee in installments. On July 29, 2009, Mr. Bell paid an initial partial filing fee of \$7.00.

It has come to the court's attention that the documents submitted to the Court by Mr. Bell that were received for filing on June 15 were submitted in response to an order

entered by the Honorable Walker D. Miller on June 9, 2009, in another pending case, **see Bell v. United States**, No. 08-cv-00335-WDM-KLM (D. Colo. filed Feb. 19, 2008), and should have been filed in that action. Although Mr. Bell initiated 08-cv-00335-WDM-KLM as a habeas corpus action, Senior Judge Miller accepted a recommendation by Magistrate Judge Kristen L. Mix that 08-cv-00335-WDM-KLM be converted to a civil rights action pursuant to 28 U.S.C. § 1331 and **Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics**, 403 U.S. 388 (1971). Therefore, Senior Judge Miller ordered Mr. Bell in 08-cv-00335-WDM-KLM to file a complaint on the Court's Prisoner Complaint form and either to pay the \$350.00 filing fee or to file a properly supported motion seeking leave to proceed **in forma pauperis** pursuant to 28 U.S.C. § 1915.


The instant action will be closed and the clerk of the Court will be directed to transfer the documents filed in this action to civil action number 08-cv-00335-WDM-KLM. The \$7.00 initial partial filing fee payment received on July 29, 2009, will be applied to the \$350.00 filing fee for 08-cv-00335-WDM-KLM and Mr. Bell must continue to make monthly filing fee payments in that action until the \$350.00 filing fee is paid in full. Accordingly, it is

ORDERED that the clerk of the Court transfer the documents filed in this action to civil action number 08-cv-00335-WDM-KLM. It is

FURTHER ORDERED that the clerk of the Court apply the \$7.00 initial partial filing fee payment received in this action on July 29, 2009, to the \$350.00 filing fee for 08-cv-00335-WDM-KLM. It is

FURTHER ORDERED that the instant action is closed.

DATED at Denver, Colorado, this 6 day of Aug, 2009.

  
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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-01503-BNB

Kyle K. Bell  
Reg No. 12716-045  
US Penitentiary ADX  
P.O. Box 8500  
Florence, CO 81226-8500

Financial Division  
United States District Court

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 8/11/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk