

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01527-BNB

MIKEAL GLENN STINE, #55436-098

Plaintiff,

v.

MR. K. BLANKE, In his Individual Capacity,

Defendant.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

OCT 22 2009

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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On August 20, 2009, Mr. Stine, a federal prisoner currently housed in the State of Colorado, was denied leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in this action because he is subject to the filing restrictions in § 1915(g). Mr. Stine, also, was instructed to pay the entire \$350.00 filing fee within thirty days if he wished to pursue his claims in this action and was warned that if he failed to pay the filing fee within thirty days the Complaint and the action would be dismissed.

Rather than paying the filing fee, Mr. Stine filed a Notice of Appeal with the United States Court of Appeals for the Tenth Circuit. Plaintiff now has failed to pay the filing fee within the time allowed. Therefore, the Complaint and the action will be dismissed. Accordingly, it is

ORDERED that the Complaint and the action are dismissed without prejudice because Mr. Stine failed to pay the \$350.00 filing fee in full within the time allowed.

DATED at Denver, Colorado, this 21 day of Oct., 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-01527-BNB

Mikeal Glenn Stine  
Reg. No. 55436-098  
ADX – Florence  
PO Box 8500  
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 10/22/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk