

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01625-BNB

STELLA DANIELLE O'NEAL,

Plaintiff,

v.

ARI ZAVARAS, Executive Dir.,  
MRS. SHOEMAKER, Medical Dir., and  
DR. WARNER,

Defendants.

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

SEP 24 2009

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Plaintiff Stella Daniel O'Neal is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Denver Women's Correctional Facility. On June 26, 2009, Ms. O'Neal submitted to the Court a *pro se* Prisoner Complaint pursuant to 42 U.S.C. § 1983 and a Motion and Affidavit for Leave to Proceed Under 28 U.S.C. § 1915. On July 9, 2009, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action, and directed Plaintiff to cure certain deficiencies. Specifically, he directed Ms. O'Neal to submit a certified copy of her inmate trust fund statement for the six month period immediately preceding the filing. On July 31, 2009, Ms. O'Neal submitted a proper Motion and Affidavit for Leave to Proceed Under 28 U.S.C. § 1915, which Magistrate Judge Boland granted on August 10, 2009.

The August 10, 2009, Order requires Ms. O'Neal to pay the full amount of the \$350.00 filing fee in installments and directs her to pay an initial partial filing fee of \$2.00 within thirty days or to show cause why she has no assets and no means to pay

\$2.00 within thirty days or to show cause why she 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 Ms. O'Neal that if she fails to have the initial partial filing fee sent to the Clerk of the Court by the designated deadline or to show cause why she has no assets and no means by which to pay the initial fee the Complaint would be dismissed without further notice.


On August 25, 2009, the Court received for filing a letter from Ms. O'Neal. In the letter, Ms. O'Neal acknowledges receipt of the August 10, 2009, Order, and refers the Court to the inmate trust fund statement which she submitted on July 31, 2009. However, this letter is not sufficient to fulfill Ms. O'Neal's obligations as set forth in Magistrate Judge Boland's Order.

Ms. O'Neal now has failed either to pay the initial partial filing fee within the time allowed, as designated in the August 10, 2009, Order, or in the alternative to show cause why she 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 Ms. O'Neal's failure either to pay an initial partial filing fee of \$2.00 or to show cause why she has no assets and no means by which to pay the designated fee.

DATED at Denver, Colorado, this 23 day of Sept, 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-01625-BNB

Stella Danielle O'Neal  
Prisoner No. 139751  
Denver Women's Corr. Facility  
PO Box 392005  
Denver, CO 80239

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 9/24/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk