

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01629-BNB

JONATHAN NATHANIEL ESTES,

Plaintiff,

v.

CAPTAIN MICHAEL NEAGLY, and
JOHN/JANE DOE,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 24 2009

GREGORY C. LANGHAM
CLERK

ORDER

In response to Mr. Estes' July 22, 2009, Letter, the arrangements for monthly payments are an inmate's responsibility and will not be deducted automatically from the inmate's account. Title 28 U.S.C. § 1915(b)(2) requires that a prisoner "make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account," provided the prisoner's account exceeds \$10.00. This provision requires the prisoner to make the payment at the time his account is credited, before the prisoner engages in other, discretionary spending of that income. Harris v. Colorado Dept. of Corrections, 2000 WL 33193816, at *1 (D. Colo. Dec. 19, 2000).

Furthermore, Mr. Estes is directed to make his payments by the **15th day** of **each** month and without any further notice from or order of the Court. Mr. Estes is directed either to make the required monthly payment for each preceding month or to file a certified copy of his inmate trust fund account statement for the preceding month

demonstrating that he has no assets and no means by which to make the monthly payment. Accordingly, it is

ORDERED that Mr. Estes is directed to comply with this Order as set forth above.

DATED at Denver, Colorado, this 23rd 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-01629-BNB

Jonathan Nathaniel Estes
Prisoner No. 132035
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 7/24/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk