

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01843-BNB

MARIO ORTEGA,

Plaintiff,

v.

JOHN DOE SHERIFF OF PUEBLO COUNTY,
JANE AND JOHN DOE, Pueblo County Commissioners,
PUEBLO SHERIFF'S DEPUTY HUDRAN, and
FOUR (4) JOHN DOE SHERIFF DEPUTIES,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

OCT 22 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Mario Ortega, was incarcerated at the Weld County Jail in Greeley, Colorado, when he submitted to the Court *pro se* a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint.

In an order filed on September 11, 2009, Magistrate Judge Boyd N. Boland granted the motion pursuant to 28 U.S.C. § 1915, required Mr. Ortega to pay the full amount of the \$350.00 filing fee in installments, and directed him to pay an initial partial filing fee of \$4.00 within thirty days or to show cause why he has no assets and no means by which to pay the designated initial partial filing fee. The September 11 order warned Mr. Ortega that if he failed by the designated deadline to have the \$4.00 initial partial filing fee sent to the clerk of the Court or to show cause why he has no assets and no means by which to pay the initial partial filing fee, the complaint would be dismissed without further notice.

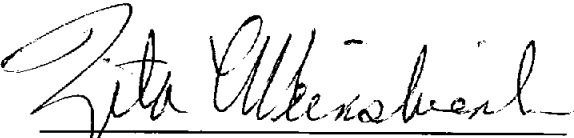
On September 18, 2009, the copy of the September 11, 2009, order mailed to Mr. Ortega was returned to the Court in an envelope stamped "No Longer in Custody," "Return to Sender," "Refused," and "Unable to Forward." Mr. Ortega has failed within the time allowed to pay the \$4.00 initial partial filing fee, to show cause as directed why he is unable to do so, or otherwise to communicate with the Court in any way.

Accordingly, it is

ORDERED that the Prisoner Complaint and the action are dismissed without prejudice for the failure of Plaintiff, Mario Ortega, within the time allowed, to pay the initial partial filing fee of \$4.00 or to show cause as directed why he has no assets and no means by which to pay the designated initial partial filing fee.

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

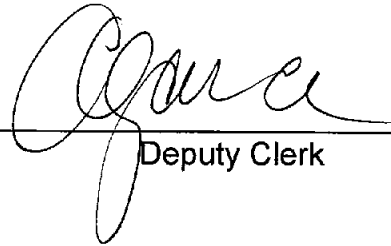
CERTIFICATE OF MAILING

Civil Action No. 09-cv-01843-BNB

Mario Ortega
Weld County Jail
2110 "O" Street
Greeley, CO 80631

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