

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01901-BNB

CLEVELAND H. FLAKES,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS,
FOUR MILE CORR[.] FAC, and
BILL OWENS, Gov[.], [State of] COLORADO,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

OCT 22 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Cleveland H. Flakes, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Crowley County Correctional Facility in Olney Springs, Colorado. 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 August 28, 2009, Magistrate Judge Boyd N. Boland granted the motion pursuant to 28 U.S.C. § 1915, required Mr. Flakes to pay the full amount of the \$350.00 filing fee in installments, and directed him to pay an initial partial filing fee of \$2.00 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 August 28 order warned Mr. Flakes that if he failed by the designated deadline to have the \$2.00 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.


Mr. Flakes has failed within the time allowed to pay the \$2.00 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, Cleveland H. Flakes, within the time allowed, to pay the initial partial filing fee of \$2.00 or to show cause as directed why he has no assets and no means by which to pay the designated initial partial filing fee. It is

FURTHER ORDERED that any pending motions are denied as moot.

DATED at Denver, Colorado, this 21 day of Oct., 2009.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

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FOR THE DISTRICT OF COLORADO

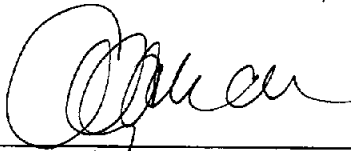
CERTIFICATE OF MAILING

Civil Action No. 09-cv-01901-BNB

Cleveland H. Flakes
Prisoner No. 45885
Crowley County Corr. Facility
6564 State Hwy. 96
Olney Springs, CO 81062-8700

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

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