

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01951-BNB

EARNEST ORTEGON,

Plaintiff,

v.

BARRY BURRAKER, and  
DONALD DECROW,

Defendants.

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

**OCT 23 2009**

**GREGORY C. LANGHAM**  
CLERK

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ORDER OF DISMISSAL

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On September 4, 2009, Magistrate Judge Boyd N. Boland entered an order granting Plaintiff leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in this action. Pursuant to § 1915(b)(1), Magistrate Judge Boland ordered Plaintiff either to pay an initial partial filing fee of \$7.00 or to show cause why he has no assets and no means by which to pay the initial partial filing fee. Plaintiff was instructed that, in order to show cause why he cannot pay the \$7.00 initial partial filing fee, he must submit a current **certified** copy of his inmate trust fund account statement. Plaintiff was warned that the Complaint would be dismissed without further notice if he failed either to pay the initial partial filing fee or to show cause as directed within thirty days.


On September 11, 2009, Plaintiff submitted to the Court a current copy of his account statement. The copy of the account statement that Plaintiff submitted to the Court on September 11, 2009, is not certified. The Court, therefore, finds that Plaintiff

has failed to show cause, as he was directed, why he is unable to pay the initial partial filing fee. Accordingly, it is

ORDERED that the Complaint and the action are dismissed without prejudice because Plaintiff failed either to pay the initial partial filing fee or to show cause why he has no assets and no means by which to pay the initial partial filing fee by submitting a current certified copy of his trust fund account statement.

DATED at Denver, Colorado, this 23 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-01951-BNB

Earnest Ortegon  
Prisoner No. 137144  
CMC/ACC  
P.O. Box 300 - Unit E  
Cañon City, CO 81215-0300

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 10/23/09

GREGORY C. LANGHAM, CLERK

By:  \_\_\_\_\_

Deputy Clerk