

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02023-BNB

SIDNEY BLAKE,

Plaintiff,

v.

BRIAN WEBSTER,
JULIE FULLER,
RYDER MAY,
KEVIN MILLYARD, and
DOCTOR FORTUNATO,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

OCT 22 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

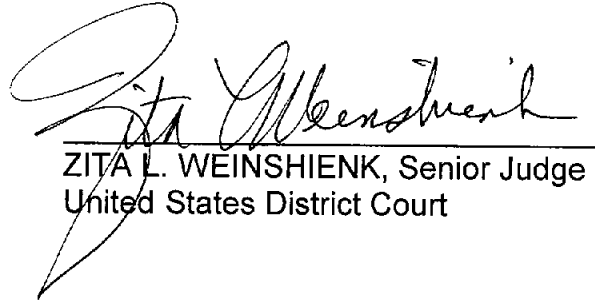
In an order filed on September 9, 2009, Magistrate Judge Boyd N. Boland granted Plaintiff leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in this action. Pursuant to § 1915(b)(1), Magistrate Judge Boland ordered Plaintiff either to pay an initial partial filing fee or to show cause why he has no assets and no means by which to pay the initial partial filing fee. Plaintiff was warned that the complaint and the action would be dismissed without further notice if he failed either to pay the initial partial filing fee or to show cause within thirty days.

Plaintiff has failed within the time allowed either to pay the initial partial filing fee or to show cause why he is unable to pay the initial partial filing fee. Plaintiff has failed to respond to Magistrate Judge Boland's September 9 order in any way. Therefore, the complaint and the action will be dismissed. Accordingly, it is

ORDERED that the complaint and the action are dismissed without prejudice because Plaintiff failed within the time allowed 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.

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

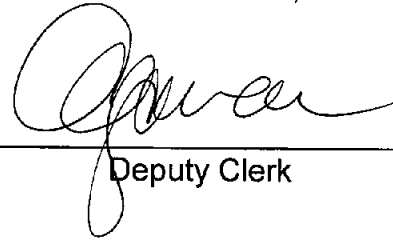
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Sidney Blake
Prisoner No. 62505
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

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