

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02251-BNB

JESUS ANDRE LOZANO (MARTINO),

Plaintiff,

v.

COLORADO DEPT. OF PAROLE BOARD,  
DAVID L. MICHAUD, Colorado Dept. of Parole Board,  
CARLA OSHS, Parole Supervisor, Interstate Compact Div.,  
AMY DURAN, Deputy Parole Officer, Interstate Compact Div.,  
ARISTEDES ZAVARAS, Interstate Compact Division, and  
THOMAS WALTER, Colorado Dept. of Parole Hearing Officer,

Defendants.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

DEC 15 2009

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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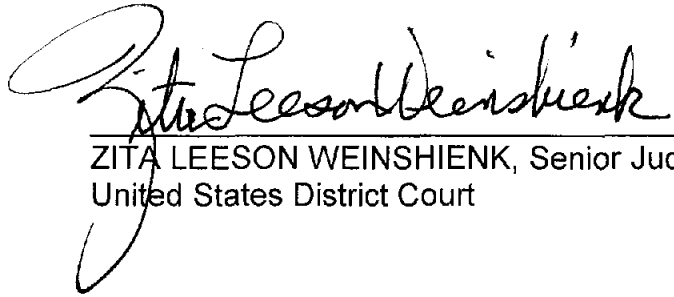
In an order filed on November 3, 2009, Magistrate Judge Boyd N. Boland granted Plaintiff leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in this action. Pursuant to § 1915(b)(1), Magistrate Judge Boland ordered Plaintiff either to pay an initial partial filing fee or to show cause why 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 November 3 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 15 day of December, 2009.

BY THE COURT:

A handwritten signature in cursive script, reading "Zita Leeson Weinsienk". The signature is written in black ink and is positioned above a horizontal line.

ZITA LEESON 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-02251-BNB

Jesus Andre Lozano (Martino)  
Prisoner No. 130590  
Colorado Territorial Corr. Facility  
P.O. Box 1010  
Cañon City, CO 81215-1010

Jesus Andre Lozano (Martino)  
26611 County Road R.  
Dolores, CO 81323

I hereby certify that I have mailed a copy of **ORDER AND JUDGMENT** to the above-named individuals on 12/15/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk