

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02387-BNB

LEAH ANN WILLIAMS,

Plaintiff,

v.

MARY MARTINEZ, Sergeant,  
DEPARTMENT OF CORRECTIONS, and  
LA VISTA CORRECTIONAL FACILITY,

Defendants.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

NOV 16 2009

GREGORY C. LANGHAM  
CLERK

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ORDER DIRECTING PLAINTIFF TO FILE  
AMENDED 28 U.S.C. § 1915 MOTION AND AFFIDAVIT

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In an order filed on October 23, 2009, Plaintiff, Leah Ann Williams, was granted leave to proceed pursuant to 28 U.S.C. § 1915 and was instructed to pay an initial partial filing fee of \$13.00. On November 12, 2009, Ms. Williams submitted a \$13.00 payment to the Court. Subsequently, on November 13, 2009, Ms. Williams filed a Notice of Change of Address indicating that she had been released from incarceration and is living at a community corrections facility in Littleton, Colorado. Ms. Williams, therefore, will be directed to file an amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915.

Since Ms. Williams has been released from prison, and does not have an inmate account, her continuing obligation to pay the filing fee is to be determined, like any nonprisoner, solely on the basis of whether she qualifies for *in forma pauperis* status.

**See *Whitney v. New Mexico*, 113 F.3d 1170, 1171 n.1 (10th Cir. 1997); see also**

**McGore v. Wrigglesworth**, 114 F.3d 601, 612-13 (6th Cir. 1997); **In re Prison Litigation Reform Act**, 105 F.3d 1131, 1138-39 (6th Cir. 1997); **McGann v. Commissioner, Soc. Sec. Admin.**, 96 F.3d 28, 29-30 (2d Cir. 1996). Alternatively, Ms. Williams may elect to pay the \$337.00 filing fee balance so that she may pursue her claims in this action. Accordingly, it is

ORDERED that Plaintiff, Leah Ann Williams, submit **within thirty days from the date of this Order** an amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Alternatively, Ms. Williams may elect to pay the \$337.00 filing fee balance so that she may pursue her claims in this action. It is

FURTHER ORDERED that the Clerk of the Court send to Ms. Williams, at the Littleton, Colorado, address she lists in her November 13, 2009, Notice of Change of Address, a copy of this Order together with two copies of a nonprisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form for use in submitting the amended motion and affidavit. It is

FURTHER ORDERED that if Ms. Williams fails to file the amended motion and affidavit within thirty days of the date of the instant order, the Complaint and action will be dismissed without further notice. It is

FURTHER ORDERED that the October 23, 2009, Order (Doc. No. 5) is vacated, and the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (Doc. No. 1), filed on October 1, 2009, is denied as moot.

DATED November 16, 2009, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-02387-BNB

Leah Ann Williams  
Prisoner No. 119861  
ACRC  
2135 Chenango Ave.  
Littleton, CO 80120

I hereby certify that I have mailed a copy of the **ORDER and two copies of the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915** to the above-named individuals on 11/16/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk