

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02728-BNB

KALIFAH INMAN MUHAMMAD MUSTAFA ABDULLAH, a.k.a. MUHAMMAD MUSTAFA
ABDULLAH,

Plaintiff,

v.

HARLEY P. LAPPIN,
WARDEN DAVIS,
WARDEN WILEY,
A.W. FOX,
A.W. JONES,
U.M. COLLINS,
C.M. SUDLOW, and
COUNSELOR KNOX,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 10 2010

GREGORY C. LANGHAM
CLERK

ORDER

On May 4, 2010, the Court entered an order instructing Plaintiff to show cause why this action should not be dismissed for failure to comply with the Court's order entered on January 27, 2010. In the January 27 Order, Plaintiff was instructed either to make monthly payments against the balance owed on the filing fee or to show cause each month why he has not assets and no means by which to make the monthly payment. In order to show cause, Plaintiff was directed to file a current certified copy of his inmate trust fund account statement. Plaintiff was warned that a failure to comply with the requirements of § 28 U.S.C. § 1915(b)(2) would result in the dismissal of this action.

Plaintiff did not make the filing fee payment in April or in May or in the alternative show cause why he is unable to make the required monthly filing fee payments. In the May 4 Order, the Court instructed Plaintiff that the Court will not proceed to review the merits of the Second Amended Complaint filed by Plaintiff on April 28, 2010, until he shows cause why this action should not be dismissed for failure to comply with the January 27 Order.

On May 24, 2010, Plaintiff filed a Motion for Relief. For the most part, the Motion is unresponsive to the May 4 Order to Show Cause. On Pages Two and Three of the Motion, however, Plaintiff states "Collins told he is telling Finance Office not send receipt or Reports[] I sent money out no one got money yet store receipt show mony [sic] deleted from account." Plaintiff also states on Page Three that "[he] has exausted [sic] all his remedies to send money out." Plaintiff also attaches a Bureau of Prisons Informal Resolution Form in which he appears to have challenged the prison staff's denial of the finance statements he needed to send to this Court.

The Clerk of the Court will be directed to send a copy of this Order, the order entered on May 4, 2010, (Doc. No. 30), and the Motion for Relief (Doc. No. 31) to the Florence ADMAX USP Warden. The Court requests that the Warden respond and verify whether Plaintiff, as he claims, was denied both a certified account statement and the withdrawal of funds from his account for monthly payments to the Court, and if Plaintiff was denied a statement or the withdrawal of funds why the requests were denied. The Court also requests that the Warden verify whether Plaintiff has followed the proper procedure either for obtaining a certified copy of his inmate account statement or for requesting that money be sent to the Court in April and May as

required under 28 U.S.C. § 1915(b). Accordingly, it is

ORDERED that the Clerk of the Court send a copy of the instant Order along with Documents No. 30 and 31 to the Florence ADMAX USP Warden. It is

FURTHER ORDERED that within **thirty days** from the date of this Order the Florence ADMAX USP Warden is instructed to respond and verify to the Court whether Plaintiff has properly requested a certified copy of his trust fund account statement for submitting to the Court or in the alternative a payment be made to the Court as required under 28 U.S.C. 1915(b), and whether Plaintiff's requests were denied and for what reason.

DATED June 10, 2010, 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-02728-BNB

Khalifah Inman Muhammad Mustafa Abdullah
a/k/a Muhammad Mustafa Abdullah
Reg. No. 00115-000
ADX - Florence
PO Box 8500
Florence, CO 81226-8500

Florence ADMAX USP Warden
US Penitentiary
5880 Hwy 67 South
Florence, CO 81226

I hereby certify that I have mailed a copy of the ORDER to the above-named individuals and a copy of Documents No. 30 and 31 to the Florence ADMAX USP Warden on 6/10/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk