

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02856-BNB

GREGORY SCOTT CARTER,

Plaintiff,

v.

FRANK M. GASSMAN (Denver Police Dept.), and  
JANE and JOHN DOE (Denver Police Dept.),

Defendants.

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

MAR 31 2010

GREGORY C. LANGHAM  
CLERK

---

ORDER OF DISMISSAL

---

Plaintiff, Gregory Scott Carter, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Bent County Correctional Facility in Las Animas, Colorado. On December 1, 2009, Mr. Carter submitted to the Court a *pro se* Prisoner Complaint pursuant to 42 U.S.C. § 1983 and a Motion and Affidavit for Leave to Proceed Under 28 U.S.C. § 1915. On December 7, 2009, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action, and directed Plaintiff to cure certain deficiencies. Specifically, he directed Mr. Carter to submit a certified copy of his inmate trust fund statement for the six month period immediately preceding the filing. After receiving an extension of time, on February 17, 2010, Mr. Carter submitted a certified copy of his inmate trust fund statement. Magistrate Judge Boland granted Mr. Carter leave to proceed pursuant to 28 U.S.C. § 1915 by order dated February 18, 2010.

The February 18 Order requires Mr. Carter to pay the full amount of the \$350.00 filing fee in installments and directs him to pay an initial partial filing fee of \$23.00 within thirty days or to show cause why he has no assets and no means to pay the initial fee by filing a current certified copy of his trust fund account statement. The Order warns Mr. Carter that if he fails to have the initial partial filing fee sent to the Clerk of the Court by the designated deadline or to show cause why he has no assets and no means by which to pay the initial fee the Complaint would be dismissed without further notice.

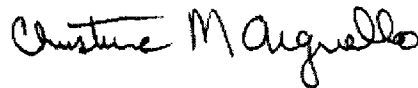
Mr. Carter failed either to pay the initial partial filing fee within the time allowed, as designated in the February 18 Order, or to show cause why he has no assets and no means by which to pay the designated fee.

Accordingly, it is

ORDERED that the Prisoner Complaint and the action are dismissed without prejudice for Mr. Carter's failure either to pay an initial partial filing fee of \$23.00 or to show cause why he has no assets and no means by which to pay the designated fee.

DATED at Denver, Colorado, this 29<sup>th</sup> day of March, 2010.

BY THE COURT:



---

CHRISTINE M. ARGUELLO  
United States District Judge, for  
ZITA LEESON WEINSHIENK, Senior Judge  
United States District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

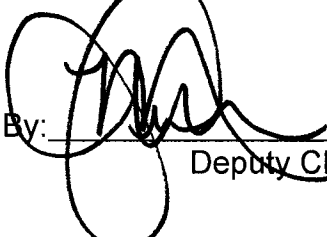
**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-02856-BNB

Gregory Scott Carter  
Prisoner No. 148579  
Bent County Correctional Facility  
11560 Road FF.75  
Las Animas, CO 81054-9573

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the  
above-named individuals on 3/31/10

GREGORY C. LANGHAM, CLERK

By:  \_\_\_\_\_  
Deputy Clerk