

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-03017-BNB

FREDERICK SHANNON ALLISON,

Plaintiff,

v.

JAMES FRANCIS HARTMANN, JR.,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLO. ORADO

FEB 19 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Frederick Shannon Allison, is in the custody of the Colorado Department of Corrections and is currently incarcerated at the Delta Correctional Center. On December 29, 2009, Mr. Allison 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 30, 2009, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action, and directed Mr. Allison to cure certain deficiencies. Specifically, he ordered Mr. Allison to file a certified copy of his prisoner's trust fund statement, which Mr. Allison submitted to the Court on January 7, 2010. On January 11, 2010, Magistrate Judge Boland granted Mr. Allison leave to proceed pursuant to 28 U.S.C. § 1915.

The January 11 Order requires Mr. Allison to pay the full amount of the \$350.00 filing fee in installments and directs him to pay an initial partial filing fee of \$107.00 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. Allison 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.

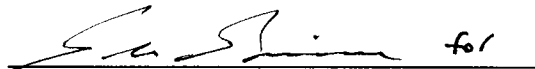
Mr. Allison has not communicated with the Court since January 7, 2010. Therefore, Mr. Allison has now failed either to pay the initial partial filing fee within the time allowed, as designated in the January 11 Order, or in the alternative to show cause why he has no assets and no means by which to pay the designated fee.

Accordingly, it is

ORDERED that the Prisoner Complaint and the action are dismissed without prejudice for Mr. Allison's failure either to pay an initial partial filing fee of \$107.00 or to show cause why he has no assets and no means by which to pay the designated fee.

DATED at Denver, Colorado, this 18th day of February, 2010.

BY THE COURT:

Handwritten signature of Philip A. Brimmer in black ink, written over a horizontal line. The signature is cursive and includes the word "for" at the end.

PHILIP A. BRIMMER
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-03017-BNB

Frederick Shannon Allison
Prisoner No. 145583
Delta Correctional Center
4102 Sawmill Mesa Rd. - Unit 5
Delta, CO 81416

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 2/19/10

GREGORY S. LANGHAM, CLERK

By: 

Deputy Clerk