

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00241-BNB

STEPHEN SHEFFIELD, #11091-007,

Plaintiff,

v.

WARDEN C. DANIEL,
DOCTOR MR. BURKLE,
DOCTOR MR. FRANCO, and
DOCTOR MR. ALLRED,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 12 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Stephen Sheffield, is a prisoner in the custody of the United States Bureau of Prisons who currently is incarcerated at the United States Penitentiary in Florence, Colorado. Mr. Sheffield initiated this action by filing a *pro se* Prisoner Complaint and a motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 on January 28, 2010. By order dated February 4, 2010, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and granted Mr. Sheffield leave to proceed pursuant to 28 U.S.C. § 1915.

The February 4 Order requires Mr. Sheffield to pay the full amount of the \$350.00 filing fee in installments and directs him to pay an initial partial filing fee of \$1.00 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. Sheffield 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.

On February 17, 2010, Mr. Sheffield filed a motion requesting an extension of time to pay the \$1.00 filing fee, which Magistrate Judge Boland granted by Minute Order dated February 18, 2010. On March 9, 2010, Mr. Sheffield filed a second motion requesting an extension of time to pay the filing fee, which Magistrate Judge Boland granted by Minute Order dated March 10, 2010. On April 13, 2010, Mr. Sheffield filed a letter with the Court, in which he stated that he was having difficulties withdrawing the \$1.00 filing fee from his inmate account. Magistrate Judge Boland construed the letter as a third request for extension of time to pay the filing fee, and granted the request by Minute Order dated April 14, 2010. Further, Magistrate Judge Boland warned Mr. Sheffield that he had until May 5, 2010 to pay the fee or to show cause why he cannot. Mr. Sheffield was reminded that failure to do so within the time allowed would result in dismissal of the instant actions. Mr. Sheffield has not communicated with the Court since April 13, 2010. No mail has been returned to the Court as undeliverable.

Accordingly, Mr. Sheffield now has failed either to pay the initial partial filing fee within the time allowed, as designated in the February 4, 2010 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. Sheffield's failure either to pay an initial partial filing fee of \$1.00 or to show cause why he has no assets and no means by which to pay the designated fee.

DATED at Denver, Colorado, this 11th day of May, 2010.

BY THE COURT:

s/Philip A. Brimmer
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. 10-cv-00241-BNB

Stephen Sheffield
Reg No. 11091-007
US Penitentiary Florence
P.O. Box 7000
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 5/12/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk