

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. 10-cv-00419-BNB

JUN 02 2010

HERMAN BARNES, JR.,

GREGORY C. LANGHAM
CLERK

Plaintiff,

v.

D. ALLRED,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Herman Barnes, Jr., is a prisoner in the custody of the United States Bureau of Prisons who currently is incarcerated at the United States Penitentiary, Administrative Maximum, in Florence, Colorado. He submitted to the Court *pro se* a Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915.

On March 12, 2010, Magistrate Judge Boyd N. Boland granted the § 1915 motion, required Mr. Barnes to pay the full amount of the \$350.00 filing fee in installments, and directed him to pay an initial partial filing fee of \$2.00 within thirty days or to show cause why he has no assets and no means by which to pay the designated initial partial filing fee. In order to show cause, Mr. Barnes was informed he must file a current copy of his trust fund account statement. The March 12 order warned Mr. Barnes that if he failed by the designated deadline to have the \$2.00 initial partial filing fee sent to the clerk of the Court or to show cause why he has no assets and no means

by which to pay the initial partial filing fee, the complaint would be dismissed without further notice. The March 12 order also informed Mr. Barnes that, after payment of the initial partial filing fee, he was required to make monthly payments of twenty percent of the preceding month's income credited to his trust fund account or show cause each month why he had no assets and no means by which to make the monthly payment by filing a current copy of his trust fund account statement.

Mr. Barnes has failed, within the time allowed, to pay the \$2.00 initial partial filing fee or to show cause as directed why he is unable to do so. Therefore, the complaint and the action will be dismissed. Accordingly, it is

ORDERED that the Prisoner Complaint and the action are dismissed without prejudice for the failure of Plaintiff, Herman Barnes, Jr., within the time allowed, to pay the initial partial filing fee of \$2.00 or to show cause as directed why he has no assets and no means by which to pay the designated initial partial filing fee.

DATED at Denver, Colorado, this 1st day of June, 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-00419-BNB

Herman Barnes, Jr.
Reg. No. 22698-086
ADX - Florence
PO Box 8500
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 6/2/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk