

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00430-BNB

STEPHANIE BLALOCK, #134917,

Plaintiff,

v.

JEFFERSON COUNTY DETENTION FACILITY,
DEPUTY PROSSER, and
TARA SELLERS (inmate), DOC # 130270,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 20 2010

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING PLAINTIFF TO SUBMIT AMENDED MOTION
FOR LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915

At the time Plaintiff, Stephanie Blalock, initiated the instant action, she was in the custody of the Jefferson County Sheriff's Department and was incarcerated at the Jefferson County Detention Facility in Golden, Colorado. On April 15, 2010, Ms. Blalock submitted a letter to the Court indicating that she no longer is incarcerated.

Ms. Blalock's continuing obligation to pay the filing fee is to be determined, like any nonprisoner, solely on the basis of whether she qualifies for *in forma pauperis* status. *See Whitney v. New Mexico*, 113 F.3d 1170, 1171 n.1 (10th Cir. 1997); *see also McGore v. Wrigglesworth*, 114 F.3d 601, 612-13 (6th Cir. 1997); *In re Prison Litigation Reform Act*, 105 F.3d 1131, 1138-39 (6th Cir. 1997); *McGann v. Commissioner, Soc. Sec. Admin.*, 96 F.3d 28, 29-30 (2d Cir. 1996). Therefore, Ms. Blalock will be ordered to submit an Amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Alternatively, Ms. Blalock may elect to pay the

\$350.00 filing fee to pursue her claims in this action. Accordingly, it is

ORDERED that within thirty days from the date of this Order Ms. Blalock submit to the Court an Amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Alternatively, Ms. Blalock may elect to pay the \$350.00 filing fee to pursue her claims in this action. It is

FURTHER ORDERED that the Clerk of the Court mail to Ms. Blalock, together with a copy of this Order, two copies of the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form used by nonprisoners in submitting requests to proceed pursuant to § 1915. It is

FURTHER ORDERED that if Ms. Blalock fails to comply with the instant Order, within thirty days of the date of the Order, the Complaint and action will be dismissed without further notice.

DATED April 20, 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. 10-cv-00430-BNB

Stephanie Blalock
Prisoner No. 134917
Jefferson County Det. Facility
P.O. Box 16700
Golden, CO 80402-6700

I hereby certify that I have mailed a copy of the **ORDER and two copies of the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915** to the above-named individuals on 4/20/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk