

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00443-BNB

ANGELA VALERIO,

Plaintiff,

v.

JOHN E. POTTER,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 10 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Angela Valerio, initiated this action by filing a *pro se* Title VII Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. On February 26, 2010, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and ordered Plaintiff to cure certain deficiencies. Specifically, he ordered Ms. Valerio to file a complete Title VII complaint on the court-approved form.

Ms. Valerio filed an Amended Title VII Complaint on March 26, 2010. On April 2, 2010, the Court noted that it had reviewed Ms. Valerio's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and that the Motion and Affidavit did not demonstrate indigence. The Court, therefore, found that Ms. Valerio did not qualify for commencement of the action without prepayment of fees or security pursuant to 28 U.S.C. § 1915 and denied Ms. Valerio leave to proceed *in forma pauperis*.

Accordingly, Ms. Valerio was directed to pay the \$350.00 filing fee if she wished to proceed with her claims in this action. Ms. Valerio was warned that if she failed to pay

the full \$350.00 filing fee within the time allowed, that her action would be dismissed without further notice.

Ms. Valerio now has failed to pay the \$350.00 filing fee within the time allowed, and has not communicated with the Court since March 26, 2010. Therefore, the action will be dismissed without prejudice for failure to pay the \$350.00 filing fee.

Accordingly, it is

ORDERED that the Amended Title VII Complaint and the action are dismissed without prejudice for Ms. Valerio's failure to pay the \$350.00 filing fee.

DATED at Denver, Colorado, this 10th 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-00443-BNB

Angela Valerio
6604 Zang Court
Arvada, CO 80004

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

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk