

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00572-BNB

GEORGE EDWIN FLORENCE,

Plaintiff,

v.

DAWN M. PETERSON,
JORGE L. SALLABERRY,
RICHARD C. GAMUAC,
JOANNE SMILEY,
ANGELA R. YORK,
JUDY PAVLICH,
PARKVIEW MEDICAL CENTER, and
D. THARP, in their individual capacities,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 23 2010

GREGORY C. LANGHAM
CLERK

ORDER REVOKING *IN FORMA PAUPERIS* STATUS

Plaintiff, George Edwin Florence, submitted *pro se* an amended Prisoner Complaint. On March 31, 2010, he was granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

The Court must construe liberally Mr. Florence's filings because he is representing himself. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). However, the Court should not be the *pro se* litigant's advocate. *See Hall*, 935 F.2d at 1110. "[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record." *Van Woudenberg ex rel. Foor v. Gibson*, 211 F.3d 560, 568 (10th Cir. 2000), *abrogated on other grounds by McGregor v. Gibson*, 248 F.3d 946, 955

(10th Cir. 2001). For the reasons stated below, the Court will revoke Mr. Florence's ***in forma pauperis status***.

The Court has learned from independent research that Mr. Florence is subject to filing restrictions under § 1915(g). Pursuant to § 1915(g):

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Mr. Florence has initiated more than three actions or appeals in a court of the United States while he was incarcerated or detained in any facility that were dismissed as frivolous, malicious, or for failure to state a claim. ***See Florence v. Slate***, No. 08-cv-00138-T-17TBM (M.D. Fla. Jan. 24, 2008) (dismissed as frivolous), ***appeal dismissed as frivolous***, No. 08-cv-10643-D (11th Cir. Apr. 30, 2008 and June 25, 2008); ***Florence v. Rios***, No. 07-cv-00380-REB-KLM (D. Colo. Feb. 25, 2008) (dismissed for lack of subject matter jurisdiction, lack of personal jurisdiction, and for failure to state a claim); ***Florence v. Peterson***, No. 06-cv-00178-REB-PAC (D. Colo. June 19, 2007) (dismissed for failure to state a claim), ***aff'd***, No. 07-1275 (10th Cir. Mar. 6, 2008); ***Florence v. Kendig***, No. 05-cv-01778-REB-PAC (D. Colo. Feb. 23 2007) (dismissed for failure to state a claim), ***appeal dismissed***, No. 07-1107 (10th Cir. Aug. 8, 2007) (lack of prosecution); ***Florence v. Herrera***, No. 00-cv-02017-T-26C (M.D. Fla. Dec. 18, 2000) (leave to proceed ***in forma pauperis*** on appeal denied because appeal

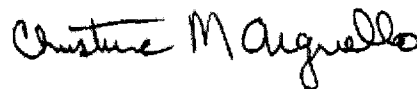
frivolous); **United States v. Florence**, No. 96-cr-00308-T-17TBM (M.D. Fla. July 23, 1997), **appeal dismissed as frivolous**, Sept. 15, 2009). Accordingly, it is

ORDERED that the **in forma pauperis** status of Plaintiff is revoked, and he is directed to pay the filing fee of \$350.00 in this action **within thirty days from the date of this order**. It is

FURTHER ORDERED that if Mr. Florence fails **within thirty (30) days from the date of this order** to pay the \$350.00 filing fee the amended complaint and the action will be dismissed.

DATED at Denver, Colorado, this 22nd day of April, 2010.

BY THE COURT:



CHRISTINE M. ARGUELLO
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-00572-BNB

George Edwin Florence
Reg No. 98316-131
Federal Corr. Complex-Low
P.O. Box 1031
Coleman, Florida 33521-1031

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 4/23/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk