

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00889-BNB

SOLOMON B. COHEN,

Plaintiff,

v.

MS. KAI, Programs Manager, Douglas County Jail,  
DOUGLAS COUNTY BOARD OF COMMISSIONERS, and  
DR. GARY KANE,

Defendants.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JUL -7 2010

GREGORY C. LANGHAM  
CLERK

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ORDER

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This matter is before the court on a pro se letter to the court from Plaintiff Solomon B. Cohen that was filed on July 7, 2010. Mr. Cohen seeks either leave to withdraw this action without prejudice and without incurring any fees or an extension of time to comply with the court's June 15, 2010, order. For the reasons stated below, the request to withdraw this action will be denied and Mr. Cohen will be granted an extension of time either to pay the initial partial filing fee or to show cause why he is unable to pay the initial partial filing fee.

Mr. Cohen initiated this action by filing a Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. He was incarcerated at the Douglas County Jail in Castle Rock, Colorado, when he initiated this action and he currently is confined at a federal prison in Littleton, Colorado. On June 15, 2010, Mr. Cohen was granted leave to proceed in forma pauperis in accordance

with 28 U.S.C. § 1915. Pursuant to § 1915(b)(1), he was ordered to pay the entire filing fee in installments and he was directed to pay an initial partial filing fee within thirty days.

Because Mr. Cohen is a prisoner and he has been granted leave to proceed in forma pauperis in this action, he is required to pay the \$350.00 filing fee. **See** 28 U.S.C. § 1915(b)(a) (providing that “if a prisoner brings a civil action . . . in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee”). Therefore, Mr. Cohen’s request to withdraw this action without prejudice and without incurring any fees must be denied. Although a plaintiff may file a notice of voluntary dismissal without prejudice under the circumstances set forth in Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure, Mr. Cohen may not avoid payment of the filing fee in this action. Mr. Cohen’s alternative request for an extension of time will be granted. Accordingly, it is

ORDERED that Plaintiff’s request to withdraw this action filed on July 7, 2010, is denied. It is

FURTHER ORDERED that Plaintiff shall have up to and including August 16, 2010, either to pay the initial partial filing fee or to show cause why he is unable to pay the initial partial filing fee.

DATED at Denver, Colorado, this 7<sup>th</sup> day of July, 2010.

BY THE COURT:

s/Craig B. Shaffer

Craig B. Shaffer  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 10-cv-00889-BNB

Solomon B. Cohen  
Reg No. 36792-013  
FCI - Englewood  
9595 W. Quincy Ave.  
Littleton, CO 80123

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 7/7/10

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_



Deputy Clerk