

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00897-BNB

SOLOMON JACOB VIGIL,

Plaintiff,

v.

KEVIN MILYARD,
SGT. BUCKNER,
SGT. LIMBRIS, and
LT. CLAIRE,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 02 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Solomon Jacob Vigil, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Sterling, Colorado, correctional facility. He submitted to the Court *pro se* a letter to the Court, a Prisoner Complaint, and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915.

On April 22, 2010, Magistrate Judge Boyd N. Boland granted the § 1915 motion, required Mr. Vigil to pay the full amount of the \$350.00 filing fee in installments, and directed him to pay an initial partial filing fee of \$1.00 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. Vigil was informed he must file a current copy of his trust fund account statement. The April 22 order warned Mr. Vigil that if he failed by the designated deadline to have the \$1.00 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 April 22 order also informed Mr. Vigil 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. Vigil has failed, within the time allowed, to pay the \$1.00 initial partial filing fee, to show cause as directed why he is unable to do so, or otherwise to communicate with the Court in any way. 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, Solomon Jacob Vigil, within the time allowed, to pay the initial partial filing fee of \$1.00 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-00897-BNB

Solomon Jacob Vigil
Prisoner No. 143912
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

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