

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00902-BNB

TIMOTHY C. ROMERO,

Plaintiff,

v.

ARISTEDES ZAVARAS, Executive Director, C.D.O.C.,
BEVERLY DOWIS, Director, Healthcare of SCF, and
GARY PARDOS, Contractor Health Care at SCF,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 22 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Timothy C. Romero, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Sterling Correctional Facility. On April 14, 2010, Mr. Romero submitted to the Court a **pro se** Prisoner Complaint pursuant to 42 U.S.C. § 1983 and a Motion and Affidavit for Leave to Proceed Under 28 U.S.C. § 1915. On April 22, 2010, Magistrate Judge Boland directed the Clerk of the Court to commence a civil action, and ordered Mr. Romero to cure certain deficiencies. Specifically, he directed Mr. Romero to file a certified copy of his prisoner's trust fund statement for the 6-month period immediately preceding the filing.

Mr. Romero submitted a certified trust fund statement on April 29, 2010. Accordingly, on May 4, 2010, Magistrate Judge Boland entered an order granting Mr. Romero leave to proceed pursuant to 28 U.S.C. § 1915. The May 4 Order requires Mr. Romero to pay the full amount of the \$350.00 filing fee in installments and directs him to pay an initial partial filing fee of \$60.00 within thirty days or to show cause why he

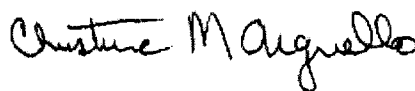
has no assets and no means to pay the initial fee by filing a current certified copy of his trust fund account statement. The Order warns Mr. Romero that if he fails to have the initial partial filing fee sent to the Clerk of the Court by the designated deadline or to show cause why he has no assets and no means by which to pay the initial fee the Complaint would be dismissed without further notice.

Mr. Romero has now failed either to pay the initial partial filing fee within the time allowed, as designated in the May 4 Order, or in the alternative to show cause why he has no assets and no means by which to pay the designated fee. Further, Mr. Romero has not communicated with the Court since April 29, 2010, and no mail has been returned to the Court as undeliverable. Accordingly, it is

ORDERED that the Prisoner Complaint and the action are dismissed without prejudice for Mr. Romero's failure either to pay an initial partial filing fee of \$60.00 or to show cause why he has no assets and no means by which to pay the designated fee.

DATED at Denver, Colorado, this 21st day of June, 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-00902-BNB

Timothy C. Romero
Reg No. 27256-013
FCI - Englewood
9595 W. Quincy Ave.
Littleton, CO 80123

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 6/22/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk