

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00902-ZLW

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 29 2010

GREGORY C. LANGHAM  
CLERK

---

ORDER VACATING ORDER OF DISMISSAL AND JUDGMENT

---

Plaintiff, Timothy C. Romero, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Sterling Correctional Facility. Mr. Romero initiated this action by filing a *pro se* Prisoner Complaint pursuant to 42 U.S.C. § 1983.

On May 4, 2010, Magistrate Judge Boyd N. Boland entered an order granting Mr. Romero leave to proceed pursuant to 28 U.S.C. § 1915. The May 4 Order required Mr. Romero to pay the full amount of the \$350.00 filing fee in installments and directed him to pay an initial partial filing fee of \$60.00 within thirty days or show cause why he had no assets and no means to pay the initial fee by filing a current certified copy of his trust fund account statement. On June 22, 2010, the Court entered an order dismissing the action for Mr. Romero's failure to pay the initial partial filing fee of \$60.00 within the time allowed.


According to the Court's records, the initial partial filing fee of \$60.00 was due on June 8, 2010. It has come to the Court's attention that Mr. Romero paid the initial partial filing fee of \$60.00 on June 9, 2010, one day after it was due. Based upon the delays inherent in the prison mail system, and the difficulties many prisoners experience when attempting to mail filing fees, the Court finds that a one-day delay is not unreasonable. Therefore, the June 22, 2010, Order of Dismissal and Judgment will be vacated. Mr. Romero will be directed to file an Amended Complaint in accordance with Magistrate Judge Boland's June 14 Order for an Amended Complaint within **thirty days** of the date of this Order. Accordingly, it is

ORDERED that the June 22, 2010, Order of Dismissal and Judgment are vacated. It is

FURTHER ORDERED that the Plaintiff, Timothy C. Romero, is directed to file an Amended Complaint that complies with Magistrate Judge Boland's June 14 Order for Amended Complaint within **thirty days** of the date of this Order.

DATED at Denver, Colorado, this 25th 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-ZLW

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** to the above-named individuals on 6/29/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk