

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

JUL 15 2010

GREGORY C. LANGHAM  
CLERK

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ORDER DIRECTING PLAINTIFF TO SUBMIT AMENDED MOTION  
FOR LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915

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At the time Plaintiff Timothy Romero initiated the instant action, he was in the custody of the Colorado Department of Corrections and was incarcerated at the Sterling Correctional Facility. On June 9, 2010, Mr. Romero paid an initial partial filing fee. On June 14, 2010, the Court directed Mr. Romero to file an Amended Complaint within thirty days. On July 12, 2010, Mr. Romero submitted a letter to the Court in which he states that he was released from the prison on July 7, 2010, and requests additional time to file the Amended Complaint.

If Mr. Romero has been released, his continuing obligation to pay the filing fee is to be determined, like any nonprisoner, solely on the basis of whether he qualifies for *in forma pauperis* status. *See Whitney v. New Mexico*, 113 F.3d 1170, 1171 n.1 (10th Cir. 1997); *see also McGore v. Wrigglesworth*, 114 F.3d 601, 612-13 (6th Cir. 1997); *In re Prison Litigation Reform Act*, 105 F.3d 1131, 1138-39 (6th Cir. 1997); *McGann v. Commissioner, Soc. Sec. Admin.*, 96 F.3d 28, 29-30 (2d Cir. 1996). Therefore, Mr.

Romero will be ordered to submit an Amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Alternatively, Mr. Romero may elect to pay the remaining balance of \$350.00 filing fee to pursue his claims in this action.

Mr. Romero's request for additional time to file the Amended Complaint, as directed in the June 14 Order, will be granted. Mr. Romero will be directed to file an Amended Complaint that complies with Rule 8 of the Federal Rules of Civil Procedure and alleges the personal participation of each named defendant within thirty days of the date of this order. Accordingly, it is

ORDERED that **within thirty (30) days from the date of this Order** Mr. Romero submit to the Court an Amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Alternatively, Mr. Romero may elect to pay the \$350.00 filing fee to pursue his claims in this action. It is

FURTHER ORDERED ORDERED that Mr. Romero, file **within thirty (30) days from the date of this order** an amended complaint that complies with the directives in this order, and the directives of the June 14 Order for an Amended Complaint.

FURTHER ORDERED that the Clerk of the Court mail to Mr. Romero, together with a copy of this Order, two copies of the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form used by nonprisoners in submitting requests to proceed pursuant to § 1915 and two copies of the Prisoner Complaint form. It is

FURTHER ORDERED that if Mr. Romero fails to comply with the instant Order, within thirty days of the date of the Order, the Complaint and action will be dismissed without further notice.

DATED July 15, 2010, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

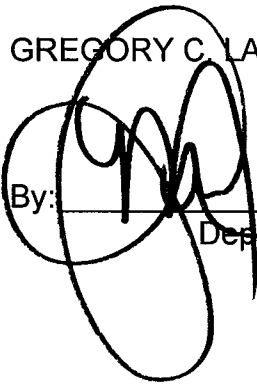
**CERTIFICATE OF MAILING**

Civil Action No. 10-cv-00902-BNB

Timothy C. Romero  
3481 Benton St. #7  
Wheatridge, CO 80212

I hereby certify that I have mailed a copy of the **ORDER and two copies of the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Prisoner Complaint forms** to the above-named individuals on 7/15/10

GREGORY C. LANGHAM, CLERK

By:  \_\_\_\_\_  
Deputy Clerk