

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01087-BNB

JOSHUA R. KENYON,

Plaintiff,

v.

EL PASO CO. SHERIFF'S DEPT.,
DEPUTY GLEN BOARMAN, and
SHERIFF TERRY MAKITA,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 15 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Joshua R. Kenyon, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Arrowhead Correctional Center in Cañon City, Colorado. Mr. Kenyon, acting *pro se*, submitted to the Court a Prisoner Complaint pursuant to 42 U.S.C. § 1983. He also filed a proper Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 that Magistrate Judge Boyd N. Boland granted on May 10, 2010.

In the May 10 Order, Magistrate Judge Boland directed Mr. Kenyon to pay the full amount of the \$350.00 filing fee in installments and to pay an initial partial filing fee of \$16.00 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. Kenyon 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. Kenyon was granted an extension of thirty days on June 8, 2010 either to pay the \$16.00 or to show cause why he has no assets. In an order dated June 30, 2010, Magistrate Judge Craig B. Shaffer reiterated that Mr. Kenyon had thirty days from the June 8, 2010 minute order to pay the initial partial filing fee. Mr. Kenyon has not paid the initial partial filing fee within the time allowed or, in the alternative, shown cause why he has no assets and no means by which to pay the designated fee.

Accordingly, it is

ORDERED that the Prisoner Complaint and the action are dismissed pursuant to Fed. R. Civil. P. 41(b) because Mr. Kenyon failed either to pay an initial partial filing fee of \$16.00 or to show cause why he has no assets and no means by which to pay the designated fee. It is

FURTHER ORDERED that the Complaint and action are dismissed without prejudice.

DATED at Denver, Colorado, this 15th day of July, 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

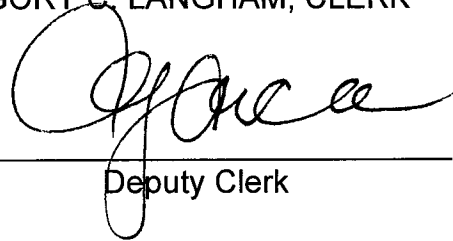
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Joshua R. Kenyon
Prisoner No 150069
ACC
P.O. Box 300
Cañon City, CO 81215-0300

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 7/15/10

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk