

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01152-BNB

SHANE HOTTON, #99151,

Plaintiff,

v.

GEORGE W. DUNBAR,  
M. WARD, and  
SUSAN JONES,

Defendants.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JUL 15 2010

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Plaintiff, Shane Hotton, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Colorado State Penitentiary in Cañon City, Colorado. Mr. Hotton, 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 June 7, 2010.

Magistrate Judge Boland directed Mr. Hotton to pay the full amount of the \$350.00 filing fee in installments and to pay an initial partial filing fee of \$7.00 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. Hotton 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. Hotton now has failed to communicate with the Court. As a result, he 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.

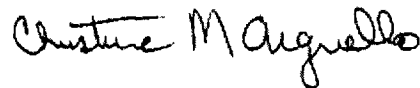
Accordingly, it is

ORDERED that the Prisoner Complaint and the action are dismissed pursuant to Fed. R. Civil. P. 41(b) because Mr. Hotton failed either to pay an initial partial filing fee of \$7.00 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 14th day of July, 2010.

BY THE COURT:



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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-01152-BNB

Shane Hotton  
Prisoner No. 99151  
Colorado State Penitentiary  
P.O. Box 777  
Cañon City, CO 81215-0777

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