

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01174-BNB

TIMOTHY S. TUTTAMORE,

Plaintiff,

v.

B.O.P. DIRECTOR LAPPIN, Official Capacity,
REGIONAL DIRECTOR NALLEY, Official and Individual Capacity,
SIS SMITH, Individual Capacity,
MRS. LA RIVIA Individual Capacity,
DHO RAMIREZ, Individual Capacity, and
UNKNOWN SIS OFFICIAL, Official Individual Capacity,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL -6 2010

GREGORY C. LANGHAM
CLERK

ORDER GRANTING LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915

Plaintiff, Timothy S. Tuttamore, has submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (Doc. No. 1), two motions to correct his § 1915 motion (Docs. No. 6 and 20), a motion for appointment of counsel (Doc. No. 11) and an amended Prisoner Complaint. The Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (Doc. No. 1) will be granted. Based on the information about the plaintiff's financial status, the court finds that the plaintiff is able to pay an initial partial filing fee of \$1.00 pursuant to § 1915(b)(1). Docs. No. 6 and 20 will be denied as unnecessary and Doc. No. 11 will be denied as premature.

Accordingly, it is

ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (Doc. No. 1) is granted. Plaintiff shall be required to pay

the full amount of the required \$350.00 filing fee pursuant to § 1915(b)(1) regardless of the outcome of this action. It is

FURTHER ORDERED that the plaintiff shall pay an initial partial filing fee of \$1.00. Plaintiff shall have **thirty (30) days from the date of this order** in which to have the designated fee sent to the clerk of the court or show cause why he has no assets and no means by which to pay the designated initial partial filing fee. In order to show cause, the plaintiff must file a current certified copy of his trust fund account statement. It is

FURTHER ORDERED that the clerk of the court shall provide the plaintiff with two copies of this order. Plaintiff is directed to make the necessary arrangements to have one copy of this order attached to the payment in the amount of the designated initial partial filing fee. It is

FURTHER ORDERED that the court will not review the merits of the Prisoner Complaint until the initial partial filing fee is paid or the plaintiff shows cause as directed above why he has no assets and no means by which to pay the designated initial partial filing fee. It is

FURTHER ORDERED that, after payment of the initial partial filing fee, the plaintiff shall be required to make monthly payments of twenty percent (20%) of the preceding month's income credited to his trust fund account or show cause each month as directed above why he has no assets and no means by which to make the monthly payment. Plaintiff is directed to make the necessary arrangements to have each monthly payment identified by the civil action number on this order. It is

FURTHER ORDERED that if within the time allowed the plaintiff fails to have the

designated initial partial filing fee or monthly payments sent to the clerk of the court or to show cause as directed above why he has no assets and no means by which to pay the designated initial partial filing fee or make the monthly payments, the Prisoner Complaint will be dismissed without further notice. It is

FURTHER ORDERED that the two motions to correct the § 1915 motion (Docs. No. 6 and 20) are denied as unnecessary. It is

FURTHER ORDERED that motion for appointment of counsel (Doc. No. 11) is denied as premature. It is

FURTHER ORDERED that process shall not issue until further order of the court. It is

FURTHER ORDERED that the court may dismiss this action and may apply all or part of the filing fee payments tendered in this action to satisfy any filing fee debt the plaintiff may owe in a prior action or actions if the plaintiff fails to stay current with his payment obligations in the prior action or actions.

DATED at Denver, Colorado, this 6th day of July, 2010.

BY THE COURT:

s/Craig B. Shaffer
Craig B. Shaffer
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

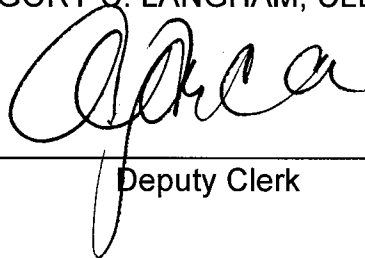
Civil Action No. 10-cv-01174-BNB

Timothy Tuttamore
Reg. No. 43018-060
ADX – Florence
PO Box 8500
Florence, CO 81226

I hereby certify that I have mailed **two copies of the ORDER** to the above-named individuals on 7/6/10

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk