

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01313-BNB

ROBIN TAGGART, #121460,

Plaintiff,

v.

RON MURRAY, Warden High Plains Correctional Facility,
TAMI ANDING, Head of Mediac [sic], Registered [sic] Nurse, High Plains Correctional
Facility, and
ARISTEDES ZAVARAS, Executive Director, Colorado Department of Corrections,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

AUG 20 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

At the time of filing, Plaintiff, Robin Taggart, was in the custody of the Colorado Department of Corrections and was incarcerated at the High Plains Correctional Facility in Brush, Colorado. On June 8, 2010, Mr. Taggart submitted to the Court a *pro se* Prisoner Complaint pursuant to 42 U.S.C. § 1983 and a Motion and Affidavit for Leave to Proceed Under 28 U.S.C. § 1915. On June 8, 2010, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and directed Mr. Taggart to cure certain deficiencies. Specifically, he ordered Mr. Taggart to file a certified copy of his prisoner's trust fund statement for the 6-month period immediately preceding the filing. Magistrate Judge Boland further advised Mr. Taggart that the names in the caption of his § 1915 Motion did not match the names in the caption of his § 1983 complaint.

Mr. Taggart filed an amended Motion and Affidavit for Leave to Proceed Under

28 U.S.C. § 1915, along with a copy of his prisoner's trust fund statement, on June 16, 2010. On July 6, 2010, Magistrate Judge Boland entered an order granting Mr. Taggart leave to proceed pursuant to 28 U.S.C. § 1915.

The July 6 Order requires Mr. Taggart to pay the full amount of the \$350.00 filing fee in installments and directs him to pay an initial partial filing fee of \$3.00 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. Taggart 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.

The Court's July 6 Order was returned as undeliverable on July 20, 2010. The envelope is marked "unclaimed" and "unable to forward."

Mr. Taggart has now failed either to pay the initial partial filing fee within the time allowed, as designated in the July 6 Order, or, in the alternative, to show cause why he has no assets and no means by which to pay the designated fee. He has also failed to notify the Court of his change of address in a timely manner as required by the Local Rules of Practice of this Court. **See** D.C.COLO.LCivR 10.1M. (notice of new address to be filed within five days after any change of address). Accordingly, it is

ORDERED that the Prisoner Complaint and the action are dismissed without prejudice for Mr. Taggart's failure either to pay an initial partial filing fee of \$3.00 or to

show cause why he has no assets and no means by which to pay the designated fee.

DATED at Denver, Colorado, this 19th day of August, 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

Civil Action No. 10-cv-01313-BNB

Robin Taggart
Prisoner No. 121460
High Plains Corr. Facility
901 Industrial Park Road
Brush, CO 80723

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 8/20/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk