

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01360-BNB

STEPHEN SHEFFIELD, #11091-007,

Plaintiff,

v.

WARDEN MR. C. DANIELS,
CAPTAIN MR. W. HUTCHING,
LIEUTENANT MR. K. LINCOLN,
CORRECTIONAL OFFICER MR. EISCHEHEN,
DOCTOR MR. GUPTA RAVI, and
MEDICAL DIRECTOR MS. KELLAR,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP 08 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Stephen Sheffield, is a prisoner in the custody of the United States Bureau of Prisons who currently is incarcerated at the United States Penitentiary in Florence, Colorado. Mr. Sheffield initiated this action by filing a document titled "Motion: Injunction [sic] Order Against Above Defendants etc, All" on June 3, 2010. By order dated June 11, 2010, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and directed Mr. Sheffield to cure certain enumerated deficiencies in the Prisoner Complaint. Specifically, he directed Mr. Sheffield to submit a Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in addition to a certified copy of his prisoner's trust fund account statement.

On June 24, 2010, Mr. Sheffield filed a Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. He also filed a uncertified copy of his prisoner's account statement, on which he alleged that the "business office" refused to provide him with a certified account statement. Accordingly, by Minute Order dated July 16, 2010, Magistrate Judge Boland provided Mr. Sheffield an additional thirty days to submit either a certified trust fund account statement, or written documentation of any denial by a prison official of his request for a certified account statement.

Mr. Sheffield filed a certified account statement on July 22, 2010. Magistrate Judge Boyd N. Boland then granted Mr. Sheffield leave to proceed *in forma pauperis* by order dated July 27, 2010.

The July 27 Order requires Mr. Sheffield to pay the full amount of the \$350.00 filing fee in installments and directs him to pay an initial partial filing fee of \$8.00 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. Sheffield 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.

On August 6, 2010, Mr. Sheffield filed a document titled, "Affidavit Motion: For Leave to Proceed Pursuant to 28 U.S.C. § 1915," in which he states that he is unable to pay the \$8.00 filing fee because his mother has refused to send him any money. However, the July 27 Order directed Mr. Sheffield to show cause why he has no assets

and no means by which to pay the initial partial filing fee by filing a current certified copy of his trust fund statement. Mr. Sheffield failed to submit a current certified copy of his trust fund statement to the Court within the time provided.

Therefore, Mr. Sheffield now has failed either to pay the initial partial filing fee within the time allowed, as designated in the July 27 Order, or in the alternative to show 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 without prejudice for Mr. Sheffield's failure either to pay an initial partial filing fee of \$8.00 or to show cause why he has no assets and no means by which to pay the designated fee.

DATED at Denver, Colorado, this 8th day of September, 2010.

BY THE COURT:



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

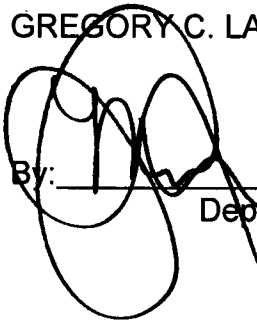
CERTIFICATE OF MAILING

Civil Action No.10-cv-1360-BNB

Stephen Sheffield
Reg No. 11091-007
US Penitentiary Florence
P.O. Box 7000
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 9/8/10

GREGORY C. LANGHAM, CLERK

A handwritten signature in black ink, appearing to read 'G. Langham', is written over a horizontal line. The signature is stylized and somewhat circular.

By: _____

Deputy Clerk