

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01863-BNB

LYLE C. VOSS,

Plaintiff,

v.

U.S.P.S.,

Defendant.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

OCT 19 2010

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Plaintiff, Lyle C. Voss, initiated this action by filing *pro se* a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 and a Complaint. On September 3, 2010, Mr. Voss filed an amended motion seeking leave to proceed *in forma pauperis*. In an order filed on September 13, 2010, the Court determined that Mr. Voss has sufficient income and assets to pay the filing fee and denied him leave to proceed *in forma pauperis*. The Court also directed Mr. Voss to pay the entire \$350.00 filing fee within thirty days if he wished to pursue his claims in this action. Mr. Voss was warned that the complaint and the action would be dismissed without further notice if he failed to pay the filing fee within thirty days.

Mr. Voss has failed to pay the filing fee within the time allowed and he has failed to respond in any way to the Court's September 13 order directing him to pay the filing fee. Therefore, the Complaint and the action will be dismissed without prejudice for failure to pay the filing fee. Accordingly, it is

ORDERED that the complaint and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Plaintiff failed within the time allowed to pay the filing fee as directed.

DATED at Denver, Colorado, this 19th day of October, 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-01863-BNB

Lyle C. Voss  
5960 Dudley Court  
Arvada, CO 80004

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the  
above-named individuals on 10/19/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk