

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, JUDGE**

Civil Action No. 10-cv-02187-LTB-BNB

ROBERT A. GREENWOOD,

Plaintiff,

v.

SHERIFF TERRY MAKETA,
LT. HEINLE, EID #90022,
COMMANDER R. KING, EID #88010
PROGRAMS MANAGER FRANK LAPAGE,
COMMANDER WILLIAM C. MISTRETTA, EID #74001,
ABRIGHT, Aramark, and
LT. BRANDT, EID #95011, et al.,

Defendants.

ORDER

On December 8, 2011, the Magistrate Judge entered his Recommendation that the above case be dismissed with prejudice pursuant to D.C.COLO.LCivR 41.1 for his failure to make monthly payments of 20% of his preceding month's income until his filing fee was paid in full or show cause each month that he has no assets with which to make the monthly payment, all as directed by the Court's Order of November 8, 2010 (Doc 12) and October 4, 2011 (Doc 53). Plaintiff has failed to file specific written objections to the Magistrate Judge's Recommendation within the Fed.R.Civ.P. 72(b) fourteen day period so he is barred from *de novo* review. On December 19, 2011, Plaintiff did file the following statement "I, Robert A. Greenwood, have been working on getting my account statements

from El Paso County Jail and D.O.C. and the Document that I am sending to the Courts is the only account statement that Plaintiff has received from his case manager.” While the account statement dated December 2, 2011 states that Plaintiff has had no reportable income while incarcerated with Colorado Department of Corrections from August 23, 2011 to the date of the certification, it does not state that he has no inability to make the required monthly payments of 20% of the preceding month’s income credited to the prisoner’s account provided the prisoner’s account exceeds \$10.00.

This filing does not constitute specific written objections to the Magistrate Judge’s Recommendation. It further reflects an ongoing non-compliance with the Magistrate Judge’s Orders made the subject of his Recommendation. Accordingly

IT IS ORDERED that the Magistrate Judge’s Recommendation is approved and Plaintiff’s Complaint is DISMISSED WITH PREJUDICE.

BY THE COURT:

s/ Lewis T. Babcock
Lewis T. Babcock, Judge

DATED: December 23, 2011