

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02195-BNB

JASON R. SCOTT,

Plaintiff,

v.

SHERIFF TERRY MAKETA,  
LT. G. HEINLE, #90022, and  
COMM. W. MISTRETTA, #74001,

Defendants.

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

OCT 18 2010

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Plaintiff, Jason R. Scott, is in the custody of the El Paso County Sheriff's Department and currently is incarcerated at the El Paso County Criminal Justice Center in Colorado Springs, Colorado. Mr. Scott initiated this action by submitting an "Injunction," a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint to the Court on August 25, 2010.

On September 8, 2010, Magistrate Judge Boyd N. Boland entered an order directing the Clerk of the Court to commence a civil action and granting Mr. Scott leave to proceed pursuant to 28 U.S.C. § 1915.

The September 8 Order requires Mr. Scott to pay the full amount of the \$350.00 filing fee in installments and directs him to pay an initial partial filing fee of \$17.00 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. Scott 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.

Mr. Scott now has failed either to pay the initial partial filing fee within the time allowed, as designated in the September 8 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 pursuant to Federal Rule of Civil Procedure 41(b) for Mr. Scott's failure either to pay an initial partial filing fee of \$17.00 or to show cause why he has no assets and no means by which to pay the designated fee. It is

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 18th 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-02195-BNB

Jason R. Scott  
Prisoner No. A00215469  
Criminal Justice Center  
2739 E. Las Vegas St.  
Colorado Springs, CO 80906

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 10/18/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk