

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. 11-cv-00435-BNB

MAR 22 2011

CHRISTOPHER L. HARRIS,

GREGORY C. LANGHAM
CLERK

Plaintiff,

v.

JOHN L. KAMMERZELL, U.S. Marshal,

Defendant.

ORDER GRANTING LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915

Plaintiff, Christopher L. Harris, has submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and an amended Prisoner Complaint. The Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 will be granted. Based on the information about the plaintiff's financial status, the court finds that the plaintiff is able to pay an initial partial filing fee of **\$1.00** pursuant to § 1915(b)(1). Accordingly, it is

ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (Doc. No. 11) is granted. Plaintiff shall be required to pay the full amount of the required \$350.00 filing fee pursuant to § 1915(b)(1) regardless of the outcome of this action. It is

FURTHER ORDERED that because the plaintiff has made a \$5.00 payment he shall not be required to pay an initial partial filing fee of **\$1.00**. It is

FURTHER ORDERED that the plaintiff shall be required to make monthly payments of twenty percent (20%) of the preceding month's income credited to his trust fund account or show cause each month as directed above why he has no assets and no means by which to make the monthly payment. Plaintiff is directed to make the necessary arrangements to have each monthly payment identified by the civil action number on this order. It is

FURTHER ORDERED that if within the time allowed the plaintiff fails to have the monthly payments sent to the clerk of the court or to show cause as directed above why he has no assets and no means by which to pay the designated initial partial filing fee or make the monthly payments, the Prisoner Complaint will be dismissed without further notice. It is

FURTHER ORDERED that the "Release of Tangible Property with Security Pursuant to FRCVP E (4)(5)" (Doc. No. 4) filed on February 22, 2011, is denied. It is

FURTHER ORDERED that the Prisoner's Amended Affidavit In Support to Proceed Pursuant to 28 U.S.C. § 1915 (Doc. No. 8) filed on March 17, 2011, is denied as moot. It is

FURTHER ORDERED that the Motion for Leave to File an Amended Complaint (Doc. No. 10) filed on March 17, 2011, is denied as unnecessary. It is

FURTHER ORDERED that process shall not issue until further order of the court. It is

FURTHER ORDERED that the court may dismiss this action and may apply all or part of the filing fee payments tendered in this action to satisfy any filing fee debt the plaintiff may owe in a prior action or actions if the plaintiff fails to stay

current with his payment obligations in the prior action or actions.

DATED March 22, 2011, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

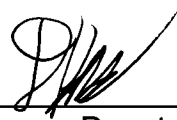
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Christopher L. Harris
Reg. No. 05927-028
FCI Florence
P.O. Box 6000
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on March 22, 2011.

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk