

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 12 2011

GREGORY C. LANGHAM
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00801-BNB

TOMASITTO ULLOA, # 99155,

Plaintiff,

v.

ARKANSAS VALLEY CORRECTIONAL FACILITY,
C/O MASCARENAS,
C/O LOPEZ,
INMATE MARTINEZ,
INMATE GUTIERREZ,
INMATE GAMBOA, and
LT. LUCCERO, Gang Coordinator, A.V.C.F.,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Tomasitto Ulloa, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the correctional facility in Limon, Colorado. Mr. Ulloa, acting *pro se*, submitted to the Court a Prisoner Complaint. He also filed a proper Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 that Magistrate Judge Boyd N. Boland granted on April 5, 2011.

Magistrate Judge Boland directed Mr. Ulloa to pay the full amount of the \$350.00 filing fee in installments and to pay an initial partial filing fee of \$11.00 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. Ulloa 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. Ulloa has failed to communicate with the Court. As a result, he has not paid the initial partial filing fee within the time allowed, or in the alternative shown 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 Fed. R. Civ. P. 41(b) for Mr. Ulloa's failure either to pay an initial partial filing fee of \$11.00 or to show cause why he has no assets and no means by which to pay the designated fee.

DATED at Denver, Colorado, this 12th day of May, 2011.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 11-cv-00801-BNB

Tomasitto Ulloa
Prisoner No. 99155
Limon Correctional Facility
49030 State Hwy. 71
Limon, CO 80826

I hereby certify that I have mailed a copy of the **ORDER and JUDGMENT** to the above-named individuals on May 12, 2011.

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk