

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 23 2011

GREGORY C. LANGHAM
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01191-BNB

ARTHUR E. MONTOYA #66311,

Plaintiff,

v.

GATBEL N. CHAMJOCK, P.A.,
JOSEPH G. FORTUNATO, Doctor,
BEVERLY DOWIS, Health Service Administrator, HSA,
BARRY A. GOLDSMITH, Doctor,
DAVID BOOTH, CAC-III,
DR. KREB, Physician Health Partners,
JO ANN STOCK, Physician Assistant, P.A.,
JENNY DAVIS, Physician Assistant,
DANALLE BRADYHOFF (Maiden Name), Nurse,
CONNIE CLAUSEN, Nurse, and
JULIE FULLER, Nurse,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Arthur E. Montoya, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Correctional Facility in Sterling, Colorado. Mr. Montoya, 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 May 13, 2011.

Magistrate Judge Boland directed Mr. Montoya to pay the full amount of the \$350.00 filing fee in installments and to pay an initial partial filing fee of \$18.00 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. Montoya 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. Montoya now 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. Montoya's failure either to pay an initial partial filing fee of \$18.00 or to show cause why he has no assets and no means by which to pay the designated fee.

DATED at Denver, Colorado, this 23rd day of June, 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-01191-BNB

Arthur E Montoya
Prisoner No. 66311
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER and JUDGMENT** to the above-named individuals on June 23, 2011.

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk