

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02745-LTB

WILLIAM L. GLADNEY,

Applicant,

v.

PEOPLE OF COLORADO, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER GRANTING MOTION TO RECONSIDER AND REINSTATING CASE

This matter arises on the Motion to Reconsider (Doc. # 11) filed by Applicant, a *pro se* prisoner litigant, on February 6, 2012. Applicant seeks reconsideration of the Order of Dismissal and the Judgment entered on December 8, 2011. The Court must construe the Motion liberally because Applicant is proceeding *pro se*. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). For the reasons stated below, the Court will grant the Motion.

The Court dismissed this action without prejudice because Applicant failed to comply with Magistrate Judge Boyd N. Boland's October 28, 2011 Order directing him to submit a current, certified copy of his prisoner's trust fund statement. On January 3, 2012, Applicant filed a Motion to Reconsider pursuant to Fed. R. Civ. P. 59(e) asking that the dismissal be vacated. The Court denied the Rule 59(e) Motion because

Applicant failed to provide any reason or explanation that would explain his failure to submit a certified account statement within the time provided.

Attached to the instant motion to reconsider, Applicant has submitted a memorandum from the case manager at his facility. The memorandum explains that Applicant's case manager inadvertently provided him with an account statement that was not certified. Based on the documentation Applicant has submitted, the Court finds sufficient reason for vacating the dismissal. Accordingly, it is

ORDERED that Applicant's Motion (Doc. # 11) is granted. It is

FURTHER ORDERED that the Order of Dismissal and the Judgment, entered on December 8, 2011, are vacated. It is

FURTHER ORDERED that the Clerk of the Court is directed to reinstate and return this action to the Pro Se Docket. It is

FURTHER ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action (Doc. No. 4) is granted. It is

FURTHER ORDERED that process shall not issue until further order of the Court.

DATED at Denver, Colorado, this 13th day of February, 2012.

BY THE COURT:

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