

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-03033-BNB

GARY WAYNE TURNER,

Plaintiff,

v.

LIEUTENANT FELZIEN,
NORRIS, Case Manager I,
PETERSON, Case Manager II,
LONG, Case Manager III,
KEVIN MILYARD, Warden,
JOHN CHAPDELAINE, Asst. Warden,
MAYOR KENNETH WILDENSTEIN, and
WEST WILSON, CM III,

Defendants.

ORDER TO SHOW CAUSE

Plaintiff is a prisoner in the custody of the Colorado Department of Corrections (DOC) and is incarcerated at the DOC correctional facility in Sterling, Colorado. In an order filed on December 21, 2011, the Court granted Plaintiff's motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in this action without payment of an initial partial filing fee. Pursuant to § 1915(b)(1), Plaintiff, however, was ordered to pay the \$350.00 filing fee in installments.

Under § 1915(b)(2), Plaintiff is "required to make monthly payments of 20 percent of the preceding month's income credited to his account" until the filing fee is paid in full.

In the Court's December 21 Order, Plaintiff was instructed either to make the required monthly payments or to show cause each month why he has no assets and no means by which to make the monthly payment. To show cause, Plaintiff must file a current, certified account statement. Plaintiff was warned that a failure to comply with the requirements of § 1915(b)(2) would result in the dismissal of this action.

Plaintiff has failed either to make a payment for January or to show cause why he is not able to make the payment. Also, Plaintiff's payment for February, or in the alternative a current, certified account statement, is due. Plaintiff, therefore, will be ordered to show cause why this action should not be dismissed for failure to comply with the Court's December 21 Order and the requirements of § 1915(b)(2).

Plaintiff is reminded that it is his responsibility to arrange for his monthly payment to the Court. Accordingly, it is

ORDERED that Plaintiff shall have **twenty-one days from the date of this Order** to show cause why this action should not be dismissed for the reasons stated in the Order. It is

FURTHER ORDERED that if Plaintiff fails to show cause as directed in this Order the Complaint and the action will be dismissed without further notice. It is

FURTHER ORDERED that Plaintiff's "Motion Amending Prisoner's Complaint Pursuant to Fed. R. Civ. P. 8," (Doc. No. 20), is denied as unnecessary.

DATED February 7, 2012, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge