

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01118-BNB

BRETT MATHEW LATTIN,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,  
FPC FLORENCE COLORADO,  
FEDERAL BUREAU OF INVESTIGATION, and  
COLORADO SPRINGS,

Defendants.

---

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

---

Plaintiff, Brett Mathew Lattin, has submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 2) and a 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 **\$239.00** 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 (ECF No. 2) 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 the plaintiff shall pay an initial partial filing fee of **\$3.00**. Plaintiff shall have **thirty (30) days from the date of this order** in which to have

the designated fee sent to the clerk of the court or show cause why he has no assets and no means by which to pay the designated initial partial filing fee. In order to show cause, the plaintiff must file a current certified copy of his trust fund account statement.

It is

FURTHER ORDERED that the clerk of the court shall provide the plaintiff with two copies of this order. Plaintiff is directed to make the necessary arrangements to have one copy of this order attached to the payment in the amount of the designated initial partial filing fee. It is

FURTHER ORDERED that the court will not review the merits of the Prisoner Complaint until the initial partial filing fee is paid or the plaintiff shows cause as directed above why he has no assets and no means by which to pay the designated initial partial filing fee. It is

FURTHER ORDERED that, after payment of the initial partial filing fee, 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 designated initial partial filing fee or 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 plaintiff's request for the appointment of counsel (ECF No. 7), motion for the appointment of counsel (ECF No. 10), and request for appointment of counsel (ECF No. 17) are denied as premature. It is

FURTHER ORDERED that the motion for this case to be heard without a copy of plaintiff's trust fund account statement (ECF No. 11) is denied as moot. Plaintiff provided a certified copy of his prison trust fund account statement to the Court on August 2, 2012 (ECF No. 20). It is

FURTHER ORDERED that process shall not issue at this time. 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 August 6, 2012, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge