

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01853-BNB

TONY LEE ELLIS,

Plaintiff,

v.

POLICE DEPARTMENT,
SHERIFFS DEPARTMENT,
DISTRICT ATTORNEY'S OFFICE,
PUBLIC DEFENDER'S OFFICE,
COURT DIRECTORS OF FOREGOINGS,
DEPARTMENT OF CORRECTIONS,
PROBATIONS DEPARTMENT, and
SOCIAL SECURITY ADM.,

Defendants.

ORDER

At the time Plaintiff, Tony Lee Ellis, initiated the instant action, he was detained at the Denver County Jail in Denver, Colorado. On July 25, 2012, Plaintiff submitted to the Court a Notice of Change of Address indicating that he no longer is incarcerated and now is residing in Denver, Colorado.

Plaintiff's continuing obligation to pay the filing fee is to be determined, like any nonprisoner, solely on the basis of whether he qualifies for *in forma pauperis* status. See *Whitney v. New Mexico*, 113 F.3d 1170, 1171 n.1 (10th Cir. 1997); see also *McGore v. Wrigglesworth*, 114 F.3d 601, 612-13 (6th Cir. 1997); *In re Prison Litigation Reform Act*, 105 F.3d 1131, 1138-39 (6th Cir. 1997); *McGann v. Commissioner, Soc. Sec. Admin.*, 96 F.3d 28, 29-30 (2^d Cir. 1996). Therefore, Plaintiff will be ordered to submit an Amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C.

§ 1915. Alternatively, Plaintiff may elect to pay the \$350.00 filing fee to pursue his claims in this action.

The Court also notes that Plaintiff's Complaint is missing an original signature and addresses for named defendants. Accordingly, it is

ORDERED that the Court's Order to Cure Deficiencies, ECF No. 5, is vacate, given that Plaintiff no longer is incarcerated. It is

FURTHER ORDERED that within thirty days from the date of this Order Plaintiff submit to the Court an Amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Alternatively, Plaintiff may elect to pay the \$350.00 filing fee to pursue his claims in this action. It is

FURTHER ORDERED that within thirty days from the date of this Order Plaintiff submit to the Court a complaint that has an original signature and provides addresses for named defendants. It is

FURTHER ORDERED that Plaintiff shall obtain the Court-approved form used by nonprisoners to request leave to proceed pursuant to 28 U.S.C. § 1915 and the Court-approved form used for filing complaints, along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that if Plaintiff fails to comply with the instant Order, within thirty days of the date of the Order, the Complaint and action will be dismissed without further notice.

DATED July 30, 2012, at Denver, Colorado.

BY THE COURT:

/s/ Boyd N. Boland
United States Magistrate Judge