

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02034-RM-MEH

ALFONSO A. CARRILLO,
RAYMUNDO CASTILLO,
MARGARITA GARCIA,
SERGIO HERNANDEZ,
GONZALO PEREZ,
GERMAN JASSO BRUNO,
LAURA PATRICIA GUTIERREZ-VITE,
JOSE OROZCO,
MARIA ELENA CARRILLO,
ANA L. CHAVEZ,
DANIEL ORTIZ,
JUAN PABLO REYES,
TERESA MONGE,
JORGE RAMIREZ,
MARTHA ESQUIVEL,
LUIS FIGUEROA,
MANUEL PACHECO,
JOSE A. URENA-SANTOS,
WILLIAM CRISTO SANTOS,
SELVIN CARDOZA,
JESSICA ITURBE JAIME,
JULIO ARREGUIN,
AVARO NUNEZ,
NOHELIA JIMENEZ,
ELIZABETH PADILLA,
MA. DEL ROSARIO URENA,
NORA G. GONZALEZ,
HUGO A PACHECO,
SONIA LOPEZ,
RUBEN PADILLA,
ADRIANA PADILLA,
JANET VALERA,
CLAUDIA OROZCO MOLINA, and
JOSE M. VELASQUEZ,

Plaintiffs,

v.

JOHN W. HICKENLOOPER, the Honorable Governor in his official capacity as Colorado

Governor,
JOHN W. SUTTERS (sic), Colorado Attorney General, in his official capacity as elected Colorado Attorney General,
ELIZABETH OLDHAM, in her official capacity as 14th Judicial District Attorney,
MITCHELL MORRISSEY, in his official capacity as Second Judicial District Attorney,
DON QUICK, in his official capacity as 17th Judicial District Attorney,
GEORGE H. BRAUHLER, in his official capacity as 18th Judicial District Attorney,
RODNEY JOHNSON, in his official capacity as elected Grand County Sheriff,
TED MINK, in his official capacity as elected Jefferson County Sheriff,
FRANK THOMAS, in his official capacity as Sheriff,
SHERIFF DEPARTMENT, in its official capacity,
DOUGLAS N. DARR, in his official capacity as elected Adams County Sheriff,
TOM DELAND, in his official capacity as Broomfield Chief of Police,

Defendants.

ORDER DISCHARGING ORDER TO PAY FILING FEE

Michael E. Hegarty, United States Magistrate Judge.

This matter comes before the Court *sua sponte*. It appears there has been some confusion regarding whether the Plaintiffs were “required” to seek leave to proceed *in forma pauperis* (“IFP”) in this case. Plaintiffs have previously sought the assistance of volunteer counsel; while reviewing the record in adjudicating Plaintiffs’ request, the Court noted that the record showed no evidence that the Plaintiffs paid the filing fee or, alternatively, sought leave to proceed IFP. The record at the inception of the case, on August 3, 2012, does not reflect a copy of a receipt showing payment of the filing fee. Thus, the Court understood that the Plaintiffs intended to proceed IFP and noted in its February 5, 2013 order that the Plaintiffs had failed to seek leave. *See* docket #197. Thereafter, on April 12, 2013, the Plaintiffs moved for leave to proceed IFP, but the motion failed for procedural errors and, in denying the motion without prejudice, the Court noted, “the record in this case appears to indicate that the Plaintiffs have not paid any filing fee.” Docket #237. The Court ordered that

if the Plaintiffs failed to re-submit a motion seeking leave to proceed IFP, “they will be ordered to pay the filing fee in this case or provide evidence that they have already done so.” *Id.*

Then, on April 30, 2013, the Plaintiffs filed a motion seeking to dismiss the Plaintiffs who had not filed affidavits in support of the motion seeking leave to proceed IFP. Docket #248. This Court denied the motion on May 2, 2013 and repeated that “if the Plaintiffs seek to proceed *in forma pauperis* in this case, they shall re-file the motion for leave to proceed *in forma pauperis* signed by all Plaintiffs and containing affidavits from all Plaintiffs on or before May 16, 2013; otherwise, they will be ordered to pay the filing fee of \$350 in this case or provide evidence that they have already done so.” Docket #254. When the Plaintiffs failed to comply with the motion, the Court ordered the Plaintiffs on June 4, 2013 to pay the filing fee or provide evidence they had already done so. Docket #262. Plaintiffs complied by filing evidence on June 20, 2013 that they paid the filing fee at the inception of the case on August 3, 2012. Docket #266.

Therefore, the June 4, 2013 order is **discharged**. There is no requirement that the Plaintiffs seek leave to proceed IFP in this case.

Dated this 25th day of June, 2013, in Denver, Colorado.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive, flowing style.

Michael E. Hegarty
United States Magistrate Judge