

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02322-BNB

CORNELIUS MOORE,

Plaintiff,

v.

ADAMS COUNTY DETENTION FACILITY,
MS. DIANE, Medical Supervisor,
SUZZANE DOE, Acting Lieutenant,
JOHN DOE, Adams County Sheriff,
MS. ROBYN DOE, Nurse,
JOHN DOE, Doctor 1 & 2,
MR. JIM DOE, Nurse Practitioner, and
JANE DOE DOCTOR,

Defendants.

ORDER DIRECTING PLAINTIFF TO SUBMIT AMENDED MOTION
FOR LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915

At the time Plaintiff, Cornelius Moore, initiated the instant action, he was detained at the Adams County Detention Facility in Brighton, Colorado. In a Letter filed with the Court on August 29, 2012, Plaintiff indicated that after August 27, 2012, his new address would be 2120 N.W. 50th, Lincoln, Nebraska. It appears that Plaintiff no longer is incarcerated.

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. Accordingly, it is

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 Plaintiff shall obtain the Court-approved form used in filing a 28 U.S.C. § 1915 Motion and Affidavit, 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 September 5, 2012, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge