

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 12-cv-02677-CMA-MEH

LARRY C. MILLER,

Plaintiff,

v.

CDOC EXECUTIVE DIRECTOR TOM CLEMENTS,
CORRECTIONS CORPORATION OF AMERICA (CCA),
WARDEN MILLER, Crowley County Corrections Facility (CCCF),
CAPTAIN KASTELIC, Shift Commander CCF,
INMATE DANIEL REIMER #98949, CCCF/Denver Parole, and
LT. RIDGWELL, CCCF-5 Hearings Officer,

Defendants.

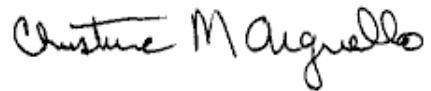
ORDER DENYING MOTION TO AMEND

This matter is before the Court on Plaintiff's Motion To Amend/Alter Order Granting Leave to Proceed In Forma Pauperis Pursuant to 28 U.S.C § 1915 and Fed. R. Civ. P. 24 and Denying Free Transcript (Doc. # 201). In that Order (Doc. # 194), this Court determined, pursuant to 28 U.S.C. § 1915(b)(1), that it would collect "an initial partial filing fee of 20 percent of . . . the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal." Plaintiff asks the Court to instead deduct 20 percent of his average monthly deposits from all sources other than his federal disability payment so that he will have money for medical expenses and phone calls. However, there is nothing in the statute that permits the Court to use an alternative formula for Plaintiff's initial partial

filings fee payment when he has otherwise demonstrated an ability to pay. Further, Plaintiff makes no argument that he has no assets or means to pay the initial partial filing fee, as required by 28 U.S.C. § 1915(b)(4). Accordingly, the Court DENIES Plaintiff's motion.

DATED: July 18, 2014

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge