

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02683-BNB

TAD DIXON,

Plaintiff,

v.

DENVER POLICE DEPARTMENT,

Defendant.

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

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At the time Plaintiff, Tad Dixon, initiated the instant action, he was detained at the Denver County Jail in Denver, Colorado. In a notice filed with the Court on February 27, 2013, Plaintiff indicated that he now resides in Thornton, Colorado. 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<sup>d</sup> 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 \$331.00 remaining balance of 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 **used by nonprisoners**. Alternatively, Plaintiff may elect to pay the \$331.00 remaining balance of 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](http://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 this Order, the Complaint and action will be dismissed without further notice.

DATED March 1, 2013, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland  
United States Magistrate Judge