

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00732-BNB

SHAUN ERIC BROWN, also known as
SHAUN BROWN,

Plaintiff,

v.

MAYOR STEVE BACH,
CHIEF PETER CAREY,
SGT. MARY G. WALSH 169,
PEACE OFFICER A. CAREY 4156,
PEACE OFFICER S. WREN 4179, and
UNKNOWN AGENTS, et al.,

Defendants.

ORDER FOR AMENDED *IN FORMA PAUPERIS* MOTION

Plaintiff, Shaun Eric Brown, was incarcerated at the El Paso County Criminal Justice Center in Colorado Springs, Colorado, when he initiated this action by filing *pro se* a Prisoner Complaint (ECF No. 1) for money damages pursuant to 42 U.S.C. § 1983, as well as 28 U.S.C. § 1331 and *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). He has filed an amended Prisoner Complaint (ECF No. 21). Mr. Brown has been granted leave to proceed pursuant to 28 U.S.C. § 1915.

On July 23, 2014, Mr. Brown filed a notice of change of address (ECF No. 28) informing the Court that he currently resides at 709 South Sierra Madre, Colorado Springs, Colorado. He apparently no longer is incarcerated. His 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 (2d Cir. 1996). Therefore, Plaintiff will be ordered to submit on the Court-approved form an Application to Proceed in District Court Without Prepaying Fees or Costs, the *in forma pauperis* form to be used by nonprisoners. Alternatively, Plaintiff may elect to pay the \$400.00 filing fee to pursue his claims in this action.

Accordingly, it is

ORDERED that Plaintiff shall obtain the Court-approved form for filing an Application to Proceed in District Court Without Prepaying Fees or Costs, along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that, if Plaintiff fails to file on the Court-approved form an Application to Proceed in District Court Without Prepaying Fees or Costs **within thirty days from the date of this order**, the action will be dismissed without further notice. It is

FURTHER ORDERED that the motion titled "Motin [sic]: Request for Admission" (ECF No. 25) filed on June 30, 2014, is denied as premature.

DATED July 24, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge