

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01618-BNB

SHAUN BROWN, also known as
SHAUN ERIC BROWN,

Plaintiff,

v.

SHERIFF TERRY MAKETA,
DEPUTY CHAD JOHNSON, 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. On July 3, 2014, Mr. Brown was ordered to file an amended Prisoner Complaint (ECF No. 6). The copy of the July 3 order mailed to Mr. Brown was returned to the Court on July 14, 2014, as undeliverable. See ECF No. 7. 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. 8) 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 forms for filing an Application to Proceed in District Court Without Prepaying Fees or Costs and Prisoner Complaint, along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that the clerk of the Court mail to Plaintiff, together with a copy of this order, a copy of the July 3, 2014, order (ECF No. 6) returned to the Court as undeliverable on July 14, 2014. It is

FURTHER ORDERED that Plaintiff will be allowed **thirty days from the date of this order** in which to submit on the Court-approved forms an Application to Proceed in District Court Without Prepaying Fees or Costs and amended Prisoner Complaint that complies with the directives of the July 3 order. It is

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

DATED July 24, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge