

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02526-GPG

ALLEN M. DAWKINS,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS INMATE BANKING,

Defendant.

ORDER

Plaintiff, Allen M. Dawkins, is a prisoner in the custody of the Colorado Department of Corrections. On December 7, 2015, Mr. Dawkins filed *pro se* a Prisoner Complaint (ECF No. 5) pursuant to 42 U.S.C. § 1983. On December 8, 2015, Magistrate Judge Gordon P. Gallagher granted Mr. Dawkins leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 and directed Mr. Dawkins' custodian to make monthly payments from Mr. Dawkins' inmate account until the \$350.00 filing fee is paid in full. On December 10, 2015, Magistrate Judge Gallagher ordered Mr. Dawkins to file an amended complaint within thirty days that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure.

Mr. Dawkins has not filed an amended complaint as directed. Instead, on December 29, 2015, he filed a "Motion to Dismiss" (ECF No. 9) asking the Court to dismiss this action because his claim is moot. Mr. Dawkins also asks the Court to dismiss all filing fees so that he is not charged for this action. The request to dismiss all

filing fees must be denied because a prisoner who brings a civil action is required to pay the entire filing fee. See 28 U.S.C. § 1915(b)(1).

Although Mr. Dawkins indicates his claim is moot, it is not clear whether his request to dismiss this action is contingent upon his request to dismiss the filing fees. In other words, it is not clear whether Mr. Dawkins still wishes to dismiss this action knowing that his request to dismiss the filing fees must be denied. Therefore, Mr. Dawkins will be given one more opportunity to file an amended complaint that complies with the pleading requirements of Rule 8 as previously directed. If Mr. Dawkins still wishes to dismiss this action, he should clarify his intention in an appropriate response to this order.

Accordingly, it is

ORDERED that, **within thirty (30) days form the date of this order**, Mr. Dawkins file an amended complaint that complies with the court's December 10 order if he wishes to pursue his claims in this action. It is

FURTHER ORDERED that if Mr. Dawkins fails to file an amended complaint as directed within the time allowed the action will be dismissed without further notice.

DATED January 6, 2016, at Denver, Colorado.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'G.P. Gallagher', written in a cursive style.

Gordon P. Gallagher
United States Magistrate Judge