

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

JAN 9 2001

PATRICK FISHER
Clerk

TERRY FRANKLIN,

Plaintiff-Appellant,

v.

COLORADO DEPARTMENT OF
CORRECTIONS, LT. THIBADEAU;
WARDEN ATHERTON; COSSABONE,
Escourt, Staff & Intake; CRAWFORD;
FRANKLIN; WELLS; MONTOYA;
BROWN; TEMPLETON; BENNETT;
TRANI; PADILLA; BAUTISA;
COLLINS; ELX; SGT. HALL; CATH
CART; WILLIAMS; SALINAS;
HODGE; WHITEHOUSE; CAPTAIN
DALTON; CHASE; BONWELL AND
DUPAN,

Defendants-Appellees.

No. 00-1220

(D.C. No. 00-Z-345)
(D. Colo.)

ORDER AND JUDGMENT*

Before **BALDOCK, HENRY**, and **LUCERO**, Circuit Judges.**

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

** After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2)(C); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Plaintiff Terry Franklin filed a civil rights complaint challenging certain prison conditions. A magistrate judge subsequently entered an order directing Plaintiff to pay an initial filing fee of \$14.00 or show cause why he had no assets or means by which to pay the fee. When Plaintiff failed to comply, the district court dismissed his action without prejudice. Defendant appeals. We grant Defendant's motion to proceed on appeal IFP and exercise jurisdiction under 28 U.S.C. § 1291.

We have thoroughly reviewed Plaintiff's brief, the magistrate judge's and district court's orders, and the entire record before us. Because Plaintiff did not timely comply with the magistrate's order, we affirm substantially for the reasons stated in the district court's order of dismissal.

AFFIRMED.

Entered for the Court,

Bobby R. Baldock
Circuit Judge