

APPENDIX A

LEGAL

60203-210400



TL1105

Colorado Department Of Corrections

Name C.S. Robledo

Register Number 145545

Unit _____

Box Number 6000

City, State, Zip Sterling, Co 80751

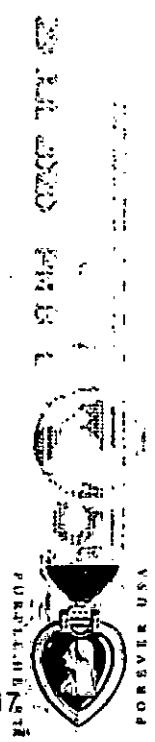
Attorney General of Colorado

1300 Broadway Ave

18th Fl.

Denver, Co 80203

REC'D
AUG 03 2020



CDOC/ROBLEDO-VALDEZ-06217

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 30, 2020

**Christopher M. Wolpert
Clerk of Court**

CRAIG S. ROBLEDO-VALDEZ,

Plaintiff - Appellant,

v.

ARAMARK CORRECTIONAL
SERVICES, LLC; JOSHUA LANG;
JUDY MIDDLEWEEK; MIKE FISH;
MATTHEW; SUSAN SWERDFERGER,

Defendants - Appellees.

No. 20-1367
(D.C. No. 1:17-CV-02022-MSK-KLM)
(D. Colo.)

ORDER

This appeal is dismissed for lack of prosecution pursuant to 10th Cir. R. 3.3(B) and 10th Cir. R. 42.1. A copy of this order shall stand as and for the mandate of this court.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

November 17, 2020

**Christopher M. Wolpert
Clerk of Court**

CRAIG S. ROBLEDO-VALDEZ,

Plaintiff - Appellant,

v.

ARAMARK CORRECTIONAL
SERVICES, LLC; JOSHUA LANG;
JUDY MIDDLEWEEK; MIKE FISH;
MATTHEW; SUSAN SWERDFERGER,

Defendants - Appellees.

No. 20-1367

(D.C. No. 1:17-CV-02022-MSK-KLM)

(D. Colo.)

ORDER

Before **MATHESON** and **PHILLIPS**, Circuit Judges.

On October 9, 2020, the court entered an order directing the appellant to show cause as to why the appellate filing fees should not be paid in full before proceeding in this prisoner civil rights appeal. The appellant filed a response to the show cause order, in which he notes that the underlying case did not begin in federal court and asserts that he is indigent and unable to pay the appellate filing fees.


After reviewing the response, and in light of this court's decision in *Hafed v. Federal Bureau of Prisons*, 635 F.3d 1172 (10th Cir. 2011), we have determined that the Prison Litigation Reform Act applies to this appeal. 28 U.S.C. § 1915(g) ("In no event shall a prisoner bring a civil action *or appeal* . . . under this section. . .") The appellant

has not argued that the statutory exception to the prepayment requirement should be invoked in this case, nor would we find that it applies had he done so.

Therefore, the appellant is ordered to pay the \$505.00 appellate filing fees to the district court on or before December 15, 2020. If full payment of the appellate filing fees is not received by the stated date, the appeal will be dismissed for lack of prosecution.

See 28 U.S.C. § 1915(g); 10th Cir. R. 3.3(B), 42.1.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in cursive script, appearing to read "Lara Smith".

by: Lara Smith
Counsel to the Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Marcia S. Krieger

Civil Action No. 17-cv-02022-MSK-KLM

CRAIG S. ROBLEDO-VALDEZ,

Plaintiff,

v.

ARAMARK CORECTIONAL SERVICES, LLC,
JOSHUA LANG,
JUDY MIDDLEWEEK,
MATTHEW,
MIKE FISH, and
SUSAN SWERDFERGER,

Defendants.

ORDER DENYING LEAVE TO PROCEED
ON APPEAL PURSUANT TO 28 U.S.C. § 1915

Plaintiff has filed *pro se* a second Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (# 90) seeking leave to proceed *in forma pauperis* on appeal. The motion is deficient because it is not submitted on the proper form and, as a result, Plaintiff has not provided a signed authorization to calculate and disburse filing fee payments that references the correct amount of the appellate filing fee. The Court also notes that the United States Court of Appeals for the Tenth Circuit has ordered Plaintiff to pay the appellate filing fee in full because he is subject to the filing restriction in 28 U.S.C. § 1915(g), and Plaintiff has not shown that the "imminent danger" he claims in his motion (namely, fear of contracting COVID-19) is connected to the legal claims he asserts here (namely, complaints about the contents of meals he

was served at a jail facility where he is no longer housed). See *Boles v. Colorado Dept. of Corrections*, 794 Fed.Appx. 767, 770 (10th Cir. 2019). Accordingly, it is

ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (# 90) is denied.

Dated this 9th day of December, 2020.

BY THE COURT:

A handwritten signature in black ink, reading "Marcia S. Krieger", is written over a horizontal line.

Marcia S. Krieger
Senior United States District Judge

APPENDIX B

Other Orders/Judgments

1:17-cv-02022-MSK-KLM
Robledo-Valdez v. Aramark
Correctional Services, LLC **CASE**
CLOSED on 09/28/2020

ALLMTN,JD1,TERMED

U.S. District Court - District of Colorado**District of Colorado****Notice of Electronic Filing**

The following transaction was entered on 2/25/2021 at 11:14 AM MST and filed on 2/25/2021

Case Name: Robledo-Valdez v. Aramark Correctional Services, LLC

Case Number: 1:17-cv-02022-MSK-KLM

Filer:

WARNING: CASE CLOSED on 09/28/2020

Document Number: 101(No document attached)

Docket Text:

ORDER: To the extent Mr. Robledo-Valdez's Response [100] can be deemed to be a request for reconsideration of the Court's 2/2/21 Order [99], the motion is denied. The letter Mr. Robledo-Valdez attaches gives no instruction to Mr. Robledo-Valdez to file anything in the District Court, nor suggests that this Court has any authority to make any orders regarding the outstanding filing fee Mr. Robledo-Valdez owes to the 10th Circuit. Rather, the letter is clear that, before Mr. Robledo-Valdez can file anything further in the 10th Circuit regarding this case, he must first pay the outstanding \$505 filing fee in full to that court. By Judge Marcia S. Krieger on 2/25/21. (msklc2,)

1:17-cv-02022-MSK-KLM Notice has been electronically mailed to:

Rebecca Philana Klymkowsky rklymkow@jeffco.us, bmccarte@co.jefferson.co.us, bmccarte@jeffco.us

Rachel Jane Marilyn Bender rbender@jeffco.us, bmccarte@co.jefferson.co.us, bmccarte@jeffco.us

Ryan Michael Hicks rhicks@wshblaw.com, JHarris@wshblaw.com, jgeddes@wshblaw.com

Jason H. Klein jklein@wshblaw.com, JHarris@wshblaw.com, jgeddes@wshblaw.com,
snordentoft@wshblaw.com

1:17-cv-02022-MSK-KLM Notice has been mailed by the filer to:

Craig S. Robledo-Valdez
#145545
Arkansas Valley Correctional Facility (AVCF)
12750 Highway 96 at Lane 13
Ordway, CO 81034

received by the district court within 40 days, this appeal will be dismissed for failure to prosecute. *See* 10th Cir. R. 3.3(B) & 42.1.

The court further notes that Appellant requests leave to prepay the filing fee in his other appeal, Case No. 20-1367, which was dismissed for lack of prosecution and failure to pay the filing fee. If Appellant wishes to pursue his appeal and pay the fee, he must submit to the court a motion to reinstate the appeal, *see* 10th Cir. R. 42.2, and cure the deficiency that resulted in the appeal being dismissed, i.e. pay the appellate filing fee in full.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk