

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

Civil Action No. 07-cv-01937-MSK-MEH

MARIO E. VILLABONA-ALVARADO,

Plaintiff,

v.

H.A. RIOS, Warden,
J.C. ZUERCHER, Deputy Warden,
D. LEE, Correctional Officer,
UNKNOWN DEFENDANT #1, and
UNKNOWN DEFENDANT #2,

Defendants.

ORDER OF DISMISSAL

THIS MATTER comes before the Court upon its Order Granting Motion to Dismiss and Leave to Amend entered March 18, 2009 (#44). In that Order, the Court dismissed all claims against Defendants Rios, Zuercher and Lee, but stayed dismissal for 20 days (until April 7, 2009) to allow Plaintiff Mario E. Villabona-Alvarado to file an Amended Complaint. Because Mr. Villabona-Alvarado is incarcerated in Atlanta, Georgia, the Court has waited an additional 20 days for receipt of an Amended Complaint, but none has been filed.

IT IS THEREFORE ORDERED that all claims against Defendants Rios, Zuercher and Lee are dismissed with prejudice. The remaining claims asserted against unidentified

defendants¹, are dismissed without prejudice. The Clerk shall close this case.

Dated this 27th day of April, 2009

BY THE COURT:



Marcia S. Krieger

Marcia S. Krieger
United States District Judge

¹Mr. Villabona-Alvarado filed his Second Amended Complaint (#34) over one year ago, on April 18, 2008, and has since failed to identify and serve the unknown defendants.