

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-02696-BNB

ANDRE J. TWITTY,

Plaintiff,

v.

ACTING U.S. ATTY GENERAL,  
HARLEY G. LAPPIN, B.O.P. Director,  
MIKE K. NALLEY, Regional Dir. B.O.P.,  
RONNIE WILEY, Warden FLM, B.O.P.,  
MARK COLLINS, Unit Manager, B.O.P., and  
D. MADISON, Counselor, B.O.P., all in their individual capacities,

Defendants.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

FEB 08 2008

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Plaintiff, Andrew J. Twitty, is a prisoner in the custody of the United States Bureau of Prisons who currently is incarcerated at the United States Penitentiary, Administrative Maximum, in Florence, Colorado. He initiated the instant action by submitting to the Court *pro se* a Prisoner Complaint.

The Court reviewed the document and determined it was deficient. Therefore, on December 27, 2007, Magistrate Judge Boyd N. Boland entered an order directing the clerk of the Court to commence a civil action and directing Mr. Twitty to cure certain enumerated deficiencies in the case within thirty days if he wished to pursue his claims.

The December 27, 2007, order pointed out, among other deficiencies, that Mr. Twitty failed to submit either the \$350.00 filing fee or a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. The order warned Mr. Twitty that if


he failed to cure the designated deficiencies within thirty days, the action would be dismissed without prejudice and without further notice.

Mr. Twitty has failed within the time allowed to cure the designated deficiencies or otherwise to communicate with the Court in any way. Subsection (a)(2) of 28 U.S.C. § 1915 (2006) requires submission of "a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined." The December 27, 2007, order and the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 note this requirement. Because Mr. Twitty has failed to cure the deficiencies listed in the December 27 order within the time allowed, the complaint and the action will be dismissed without prejudice. Accordingly, it is

ORDERED that the complaint and the action are dismissed without prejudice for failure to cure and for failure to prosecute.

DATED at Denver, Colorado, this 7 day of February, 2008.

BY THE COURT:

  
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ZITA L. WEINSHIENK, Senior Judge  
United States District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 07-cv-02696-BNB

Andre Twitty  
Reg. No. 18558-018  
ADX – Florence  
PO Box 8500  
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the  
above-named individuals on 2/8/8

GREGORY C. LANGHAM, CLERK

By: Angie  
Deputy Clerk