

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02332-BNB

JOHN THOMAS BLACK, JR.,

Plaintiff,

v.

DUPUTY [sic] CHIEF REAMS,
COMMANDER: BROWSWELL,
COMMANDER: RODRIGUEZ,
C/O MOLL,
S/O STUPKA,
C/O WAREMBOUG,
C/O WILLS,
NURSE/DOURTE, and
HEAD OF PROGRAMS, Was [unintelligible] Name,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 21 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, John Thomas Black, Jr., currently is confined at the Weld County Jail in Greeley, Colorado. On October 28, 2008, he filed *pro se* a civil rights complaint pursuant to 42 U.S.C. § 1983 (2006) and 28 U.S.C. § 1343(a)(3) (1993) for injunctive relief. He was granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 (2006) without payment of an initial partial filing fee.

On November 4, 2008, Mr. Black filed a motion to amend, contained within an amended complaint clearly intended to supplement, not to replace, the complaint he originally filed on October 28, 2008. On December 5, 2008, Magistrate Judge Boland granted the motion to amend, and ordered Mr. Black to file within thirty days a second

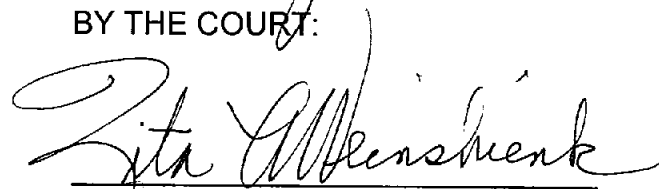
amended complaint that complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure, that alleged each Defendant's personal participation in the asserted claims, that listed all Defendants Mr. Black intended to sue in the caption to the second amended complaint, that was written legibly in compliance with D.C.COLO.LCivR 10.1, that provided the address of each named Defendant in order to effect service, and that provided sufficient service copies of the second amended complaint.

Magistrate Judge Boland warned Mr. Black that if he failed within the time allowed to file a second amended complaint that complied with the December 5, 2008, order, the complaint, the amended complaint, and the action would be dismissed without further notice. Mr. Black has failed within the time allowed to comply with the December 5 order or otherwise to communicate with the Court in any way. Accordingly, it is

ORDERED that the complaint, the amended complaint, and the action are dismissed without prejudice for the failure of Plaintiff, John Thomas Black, Jr., to file within the time allowed a second amended complaint that complied with the directives of the December 5, 2008, order and for his failure to prosecute.

DATED at Denver, Colorado, this 21 day of Jan., 2009.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02332-BNB

John T. Black
10500 Irma Drive #21-106
Northglenn, CO 80233

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 1/21/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk