

IN THE UNITED STATES DISTRICT COURT **FILED**
FOR THE DISTRICT OF COLORADO UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. 08-cv-02623-BNB

JAN 21 2009

DENNIS MICHAEL BLAY,

GREGORY C. LANGHAM
CLERK

Plaintiff,

v.

STATE OF COLORADO, and
COLORADO DEPARTMENT OF CORRECTIONS,

Defendants.

ORDER OF DISMISSAL

Plaintiff Dennis Michael Blay initiated this action by filing a pleading titled, "Affidavit of Assessment." On December 3, 2008, Magistrate Judge Boyd N. Boland entered an order, in which he directed the Clerk of the Court to commence a civil action and instructed Plaintiff to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Plaintiff to file the Complaint on a proper Court-approved form used in filing *pro se* prisoner complaints and to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Plaintiff also was warned that the Complaint and the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Plaintiff now has failed to communicate with the Court, and as a result he has failed to cure all of the identified deficiencies within the time allowed. The Complaint and the action will be dismissed without prejudice for failure to cure all deficiencies.

Accordingly, it is

ORDERED that the Complaint and the action are dismissed without prejudice for failure to cure all deficiencies.

DATED at Denver, Colorado, this 15 day of Jan., 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Zita L. Weinsienk". The signature is written in a cursive style with a large initial "Z".

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. 08-cv-02623-BNB

Dennis Michael Blay
Prisoner No. 80434
CTCF
Unit CH1
P.O. Box 1010
Cañon City, CO 81215-1010

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