

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02782-BNB

SIRRLOVE REESE WILLIAMS,

Plaintiff,

v.

SGT. DOUGHTRIE,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 03 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Sirrlove Reese Williams, currently is confined at the Denver County Jail. He initiated this action by submitting to the Court *pro se* a motion for indigent status, a motion to proceed *in forma pauperis*, and a complaint. The Court reviewed the documents and determined they were deficient. Therefore, in an order filed on December 23, 2008, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. Williams to cure a deficiency in the case within thirty days if he wished to pursue his claims.

The December 23, 2008, order pointed out that Mr. Williams failed to submit a certified copy of his trust fund account statement for the six-month period immediately preceding this filing. The order warned Mr. Williams that if he failed to cure the designated deficiency within thirty days, the complaint and the action would be dismissed without prejudice and without further notice. Mr. Williams has failed within

the time allowed to cure the designated deficiency 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 23, 2008, order and the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 note this requirement. By failing to submit a copy of his trust fund account statement certified by the appropriate prison official, Mr. Williams has failed to cure the deficiency listed in the December 23 order within the time allowed. The complaint and the action will be dismissed without prejudice for failure to cure the designated deficiency as directed within the time allowed and for failure to prosecute. Accordingly, it is

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

FURTHER ORDERED that leave to proceed pursuant to 28 U.S.C. § 1915 is denied as moot.

DATED at Denver, Colorado, this 30 day of Jan., 2009.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

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FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 08-cv-02782-BNB

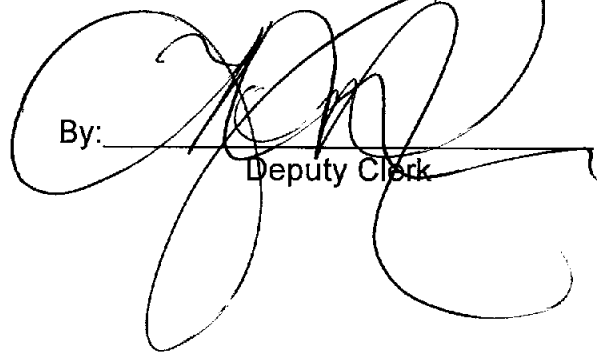
Sirrllove R. Williams
Prisoner No. 1613915
Denver County Jail
P.O. Box 1108
Denver, CO 80201

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 2/2/09

GREGORY C. LANGHAM, CLERK

By: _____

Deputy Clerk

A large, stylized handwritten signature in black ink, written over the signature line and extending into the title area.