

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00160-BNB

ROBERT LEE HILLS, JR.,

Plaintiff,

v.

UNITED STATES,  
ANTHONY OSAGIE, P. A., in his official capacity,  
NONA GLADBACH, P. A., in his official capacity,  
SHU L. T. MANLY, in his official capacity, and  
PSYCHOLOGIST DR. RITCHTER, in his official capacity,

Defendants.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

MAY - 8 2009

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Plaintiff, Robert Lee Hills, 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 filed *pro se* a Prisoner Complaint for money damages and injunctive relief pursuant to ***Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics***, 403 U.S. 388 (1971), and pursuant to the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 2671-2680.

Mr. Hills was granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 without payment of an initial partial filing fee. On March 26, 2009, Magistrate Judge Boyd N. Boland ordered Mr. Hills to file within thirty days an amended complaint that complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure and that clarified which claims were asserted pursuant to ***Bivens*** and which

were asserted pursuant to the FTCA. The March 26 order also pointed out that, to the extent Mr. Hills was attempting to assert FTCA claims, the United States was the only proper Defendant in an FTCA action. Magistrate Judge Boland warned Mr. Hills that if he failed to file an amended complaint that complied with the March 26 order to the Court's satisfaction within the time allowed, the complaint and the action will be dismissed without further notice.


On April 29, 2009, Mr. Hills filed a letter that loosely appears to be seeking a temporary restraining order pursuant to Fed. R. Civ. P. 65. However, Mr. Hills has failed within the time allowed to comply with the March 26 order for an amended complaint. Accordingly, it is

ORDERED that the complaint and the action are dismissed without prejudice for the failure of Plaintiff, Robert Lee Hills, Jr., to comply with the March 26, 2009, order for an amended complaint. It is

FURTHER ORDERED that the request for a temporary restraining order filed on April 29, 2009, is denied as moot.

DATED at Denver, Colorado, this 8 day of May, 2009.

BY THE COURT:

  
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. 09-cv-00160-BNB

Robert Lee Hills, Jr.  
Reg. No. 09212-097  
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 5/8/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk