

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 22 2009

GREGORY C. LANGHAM
CLERK

Civil Action No. 09-cv-00514-BNB

VICTOR ALVAREZ,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Victor Alvarez, attempted to initiate this action by submitting to the Court *pro se* two documents titled "Motion to Order." The Court reviewed the motions and determined they were deficient. Therefore, in an order filed on March 10, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. Alvarez to cure certain deficiencies in the case within thirty days if he wished to pursue his claims.

The March 10, 2009, order pointed out that Mr. Alvarez failed either to pay the \$350.00 filing fee or to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. The March 10 order also pointed out that Mr. Alvarez failed to submit a complaint on the proper, Court-approved form. The order warned Mr. Alvarez that if he failed to cure the designated deficiencies within thirty days, the action would be dismissed without prejudice and without further notice. Mr. Alvarez has failed

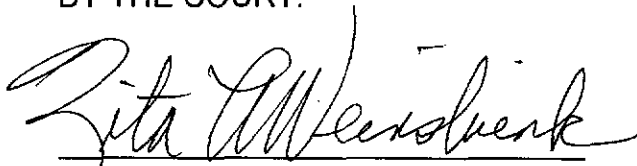
within the time allowed to cure the deficiencies listed in the March 10 order or otherwise to communicate with the Court in any way. Accordingly, it is

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

FURTHER ORDERED that the two documents titled "Motion to Order" are denied.

DATED at Denver, Colorado, this 22 day of April, 2009.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

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CERTIFICATE OF MAILING

Civil Action No. 09-cv-00514-BNB

Victor Alvarez
Reg No. 34848-054
US Penitentiary Max
P.O. Box 8500
Florence, CO 81226-8500

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 4/22/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk