

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00797-BNB

LARRY ARTHUR SYME,

Plaintiff,

v.

EL PASO COUNTY,
COLORADO STATE, and
MAGISTRATE ERIER,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 18 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff Larry Arthur Syme initiated this action by filing a *pro se* Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Upon review of the merits of the Complaint, Magistrate Judge Boyd N. Boland entered an order, on May 11, 2009, directing Mr. Syme to file an Amended Complaint. Plaintiff was instructed to name proper defendants and to assert personal participation by each named defendant. Mr. Syme, in keeping with *Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1163 (10th Cir. 2007), also was instructed to submit an Amended Complaint that explains what each defendant did to harm him, when the defendant did the harmful act, how he was injured, and what specific legal right the defendant violated. Plaintiff was warned that if he failed to file an Amended Complaint within the time allowed the Complaint and the action would be dismissed without further notice.

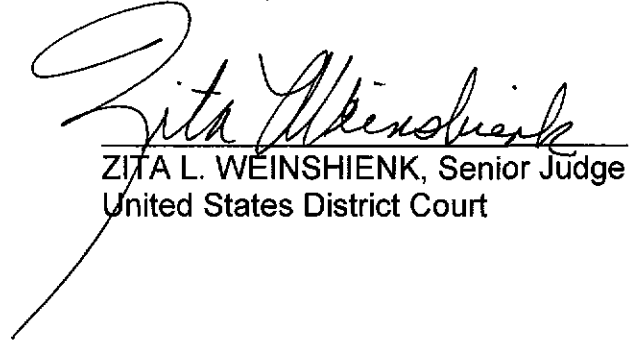
Mr. Syme now has failed to communicate with the Court, and as a result he has failed to amend the Complaint within the time allowed. Upon review of the Complaint, the Court finds that Magistrate Judge Boland correctly instructed Plaintiff to amend the Complaint and name as defendants the individuals who participated in the alleged constitutional violations. Therefore, the Complaint and action will be dismissed.

Accordingly, it is

ORDERED that the Complaint and action are dismissed without prejudice for failure to file an Amended Complaint and for failure to prosecute.

DATED at Denver, Colorado, this 17 day of June, 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-00797-BNB

Larry Arthur Syme
Prisoner No. 0900002028
Criminal Justice Center
2739 E. Las Vegas St.
Colorado Springs, CO 80906

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 6/18/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk