

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00798-BNB

JOSE GONZALEZ,

Plaintiff,

v.

[NO DEFENDANT NAMED],

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 26 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Jose Gonzalez, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Buena Vista, Colorado, correctional facility. He attempted to initiate this action by submitting to the Court *pro se* a letter regarding the administrative grievances he has filed. The Court reviewed the letter and determined it was deficient. Therefore, in an order filed on April 8, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. Gonzalez to cure certain deficiencies in the case within thirty days if he wished to pursue his claims.

The April 8, 2009, order pointed out that Mr. Gonzalez 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 April 8 order also pointed out that Mr. Gonzalez failed to submit a complaint on the proper, Court-approved form. The order warned Mr. Gonzalez that if he failed to cure the designated deficiencies within thirty days, the

action would be dismissed without prejudice and without further notice. On May 14, 2009, Magistrate Judge Boland entered a minute order directing the clerk of the Court to remail the April 8 order to Mr. Gonzalez at his correct address. The May 14 minute order granted Mr. Gonzalez an additional thirty days in which to cure the designated deficiencies and noted that failure to do so within the time allowed would result in the dismissal of the instant action.


Mr. Gonzalez has failed within the time allowed to cure the deficiencies listed in the April 8, 2009, order or otherwise to communicate with the Court in any way.

Accordingly, it is

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

DATED at Denver, Colorado, this 25 day of June, 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-00798-BNB

Jose Gonzalez
Reg No. 108392
Buena Vista Corr. Facility
PO Box 2017
Buena Vista, CO 81211

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 6/26/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk