

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00930-BNB

JOHN A. CLAICE,

Plaintiff,

v.

WARDEN, Susan Jones,  
CAPT. OF SECURITY, CPT. Williams,  
CAPT. OF HOUSING, Capt. Dalton, and  
COLO. DOC INSPECTOR GENERAL,

Defendants.

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

JUN 12 2009

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Plaintiff, John A. Claice, was in the custody of the Colorado Department of Corrections at the Colorado State Penitentiary in Cañon City when he initiated this action by submitting to the Court *pro se* a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint.

In an order filed on April 23, 2009, Magistrate Judge Boyd N. Boland ordered Mr. Claice to cure a deficiency in this case within thirty days. Specifically, Mr. Claice was directed to submit an amended Prisoner Complaint because the complaint he originally submitted was missing the first page. The order warned Mr. Claice that if he failed to cure the designated deficiency within the time allowed, the complaint and the action would be dismissed without prejudice and without further notice.

On May 5, 2009, the copy of the order to cure mailed to Mr. Claice was returned to the Court in an envelope stamped "Return to Sender," "Refused," "Unable to Forward"

and "REF." Mr. Claice has failed within the time allowed to comply with the April 23, 2008, order to cure; to submit a notice of change of address in compliance with D.C.COLO.LCivR 10.1M.; 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, for failure to comply with D.C.COLO.LCivR 10.1M., and for failure to prosecute. It is

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

DATED at Denver, Colorado, this 11 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-00930-BNB

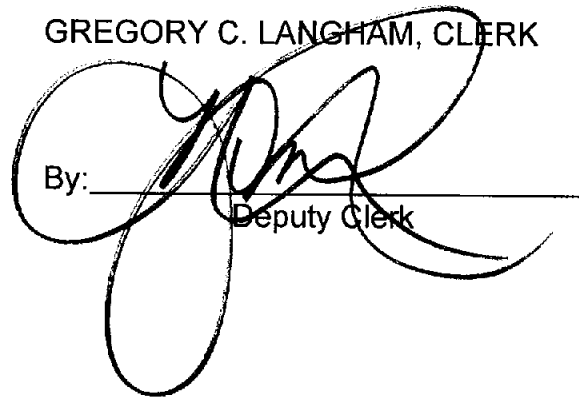
John A. Claice  
Prisoner No. 105782  
Colorado State Penitentiary  
P.O. Box 777 - Unit A-4-27  
Cañon City, CO 81215-0777

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 6/12/09

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_

Deputy Clerk

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and loops around the line.