

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00997-BNB

EMANUEL JAMES LEE RIVERA,

Plaintiff,

v.

CAPTIN [sic] COYAL,
SGT. DAUGHERTY, and
CITY AND COUNTY, Denver, Colorado,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 12 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Emanuel James Lee Rivera, currently is incarcerated at the Denver County Jail. He submitted to the Court *pro se* a Prisoner Complaint. The Court reviewed the complaint and determined it was deficient. Therefore, in an order filed on April 30, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. Rivera to cure certain enumerated deficiencies in the case within thirty days if he wished to pursue his claims.

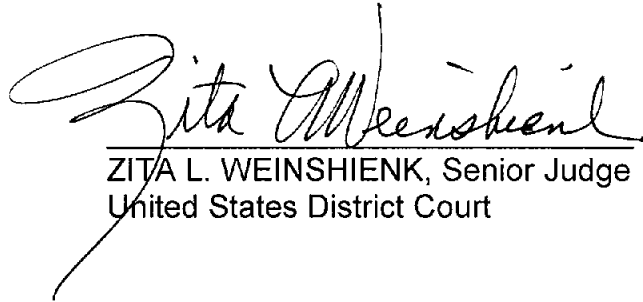
The April 30, 2009, order pointed out that Mr. Rivera failed to submit either the \$350.00 filing fee or a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. The April 30 order also pointed out that the complaint was missing Mr. Rivera's original signature. The order warned Mr. Rivera that if he failed to cure the designated deficiencies within thirty days, the complaint and the action would be dismissed without prejudice and without further notice.

Mr. Rivera has failed within the time allowed to cure the designated deficiencies or otherwise to communicate with the Court in any way. Therefore, the complaint and the action will be dismissed without prejudice. 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 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-00997-BNB

Emanuel James Lee Rivera
Denver County Jail
P.O. Box 1108
Denver, CO 80201

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