

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01036-BNB

JOHN A. CLAICE,

Plaintiff,

v.

COLO. DOC. - COLO. STATE PEN. OFFICERS, and
WARDEN SUSAN JONES AND ALL,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

JUN 15 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, John A. Claice, initiated this action by submitting to the Court *pro se* a notice of intent to sue. The Court reviewed the notice and determined it was deficient. Therefore, in an order filed on May 5, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. Claice to cure certain deficiencies in the case within thirty days if he wished to pursue his claims.

The May 5, 2009, order pointed out that Mr. Claice 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 May 5 order also pointed out that Mr. Claice failed to submit a complaint on the proper, Court-approved form. The order warned Mr. Claice that if he failed to cure the designated deficiencies within thirty days, the action would be dismissed without prejudice and without further notice. Mr. Claice has failed within the time allowed to cure the deficiencies listed in the May 5 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.

DATED at Denver, Colorado, this 12 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-01036-BNB

John A. Claice
Prisoner No. 105782
Colorado State Penitentiary
P.O. Box 777
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 6/15/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk