

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01380-BNB

DARRELL L. HAVENS,

Plaintiff,

v.

ARVADA POLICE DET. WILLIAM JOHNSON,
ARVADA POLICE DEPARTMENT, and
CITY OF ARVADA,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

AUG -6 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Darrell L. Havens, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Fort Lyons, Colorado, correctional facility. Mr. Havens initiated this action by filing *pro se* a civil rights complaint for money damages pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1343 (a)(3), alleging that his constitutional rights have been violated. He has been granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

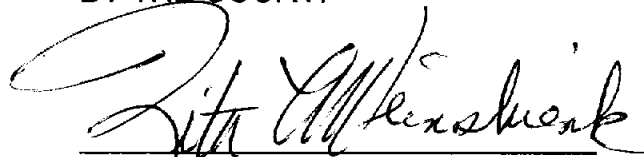
On June 25, 2009, Magistrate Judge Boyd N. Boland ordered Mr. Havens to file within thirty days an amended complaint that sued the proper parties, alleged each Defendant's personal participation in the asserted claims, and complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Magistrate Judge Boland warned Mr. Havens that if he failed to comply with the directives of the June 25 order within the time allowed, the complaint and the action would be dismissed without further notice.

On July 7, 2009, the copy of the June 25, 2009, order mailed to Mr. Havens was returned to the Court in an envelope stamped "Returned to Sender." On July 30, 2009, Mr. Havens submitted a letter to the Court indicating that he currently was incarcerated at the Fort Lyons Correctional Facility. Mr. Havens has failed within the time allowed to file an amended complaint as directed or to notify the Court of his change of address in a timely manner as required by the Local Rules of Practice of this Court. **See** D.C.COLO.LCivR 10.1M. (notice of new address to be filed within five days after any change of address). Accordingly, it is

ORDERED that the complaint and the action are dismissed without prejudice for the failure of Plaintiff, Darrell L. Havens, to file within the time allowed an amended complaint that complied with the directives of the June 25, 2009, order and a notice of change of address in compliance with D.C.COLO.LCivR 10.1M.

DATED at Denver, Colorado, this 5 day of Aug., 2009.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

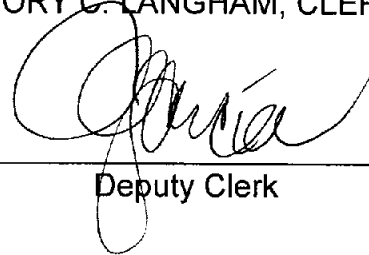
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Darrell L. Havens
Prisoner No. 143367
Fort Lyons Corr. Facility
PO Box 1000
Fort Lyons, CO 81038

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 8/6/09

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk