

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01671-BNB

ALFREDO BARAJAS MORENO DOC #139185,

Plaintiff,

v.

WARDEN REED [sic], Trinidad Correctional Facility,  
ANGEL MEDINA, Assistant Warden,  
DR. WERMERS,  
DR. VIGIL, and  
"JOHN DOE" 1-50 includes Nursing Staff and Correctional Officers,

Defendants.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

OCT -2 2009

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Plaintiff, Alfredo Barajas Moreno, is in the custody of the Colorado Department of Corrections and is currently incarcerated at the Trinidad Correctional Facility. He initiated this action by filing a *pro se* Prisoner Complaint pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1343 on July 6, 2009.

By order dated July 15, 2009, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and instructed Mr. Moreno to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Moreno to submit a certified copy of his trust fund account statement for the six-month period immediately preceding his filing. On July 30, 2009, Mr. Moreno submitted a certified copy of his trust fund account statement.

Magistrate Judge Boland granted Mr. Moreno leave to proceed pursuant to


§ 1915 by order dated July 31, 2009. On August 25, 2009, Magistrate Judge Boland determined that Mr. Moreno's complaint was deficient, because it failed to allege facts that demonstrate how the named Defendants personally participated in the asserted constitutional violations. Therefore, Mr. Moreno was ordered to file an amended complaint, and was warned that the action would be dismissed without further notice if he failed to file an amended pleading within thirty days.

Mr. Moreno has not filed an amended complaint, as directed by Magistrate Judge Boland, nor has he communicated with the Court since August 24, 2009. As a result, he has failed to file an amended pleading within the time allowed. Therefore, the Complaint and action will be dismissed without prejudice. Accordingly, it is

ORDERED that the Complaint and this action are dismissed without prejudice for failure to cure all deficiencies within the time allowed.

DATED at Denver, Colorado, this 2 day of Oct, 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-01671-BNB

Alfredo Barajas Moreno  
Prisoner No. 139185  
Trinidad Correctional Facility  
PO Box 2000  
Trinidad, CO 81082

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 10/2/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk