

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01675-BNB

ANDRE' FRANK LEWIS, Pro. Se.,

Plaintiff,

v.

HONORABLE JUDGE: DANA NICHOLS,  
JOHN COOKE, Sheriff of Weld County,  
JOHN OR JANE DOE, Weld County Jail Mailroom Clerk,  
JOHN DOE OR JANE DOE, Clerk of Combined Courts,  
CHIEF GARNER, Greeley Chief of Police,  
JANE DOE, City of Greeley Police Officer,  
JOHN DOE, City of Greeley Police Officer,  
JOHN DOE, City of Greeley Police Officer, and  
MR. CLARK, Mayor for the City of Greeley,

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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At the time of filing, Plaintiff, Andre' Frank Lewis, was incarcerated at the Weld County Jail. 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 1, 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. Lewis to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Lewis to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, in addition to a certified copy of his trust fund account statement for the six-month period immediately preceding his filing. On August 3, 2009,

Mr. Lewis submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, and a certified copy of his trust fund account statement.

Magistrate Judge Boland granted Mr. Lewis leave to proceed pursuant to § 1915 by order dated August 7, 2009. On August 25, 2009, Magistrate Judge Boland determined that Mr. Lewis'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. Lewis 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. Lewis' mail was returned to the Court as undeliverable on August 31, 2009 and September 8, 2009. Nevertheless, Mr. Lewis has not filed an amended complaint, as directed by Magistrate Judge Boland, nor has he communicated with the Court since August 3, 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 22 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**

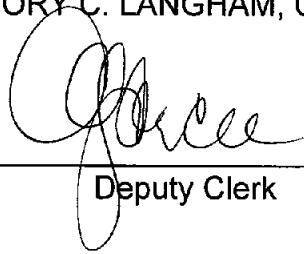
Civil Action No. 09-cv-01675-BNB

Andre Frank Lewis  
Prisoner No. P35804  
Weld County Jail  
2110 "O" Street  
Greeley, CO 80631

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