

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01800-BNB

DAVID DONIS, SR.,

Plaintiff,

v.

EL PASO COUNTY COMMISSIONER'S [sic] JOHN DOES 1-20, El Paso County
Commissioner's Office[],
TERRY MAKETA, Sheriff, El Paso County Sheriff's Department, and
OFFICER MOWER, Deputy Sheriff, El Paso County Sheriff's Department,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

NOV 04 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, David Donis, Sr., is a prisoner in the custody of the Colorado Department of Corrections (DOC) who currently is incarcerated at the Sterling, Colorado, correctional facility. Mr. Donis filed *pro se* a civil rights complaint for money damages pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3). He was granted leave to proceed pursuant to 28 U.S.C. § 1915, and has paid the \$8.00 initial partial filing fee.

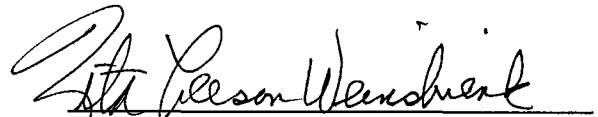
On September 22, 2009, Magistrate Judge Boyd N. Boland ordered Mr. Donis to file within thirty days an amended complaint that alleged each named Defendant's personal participation in the asserted constitutional violations and that complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. The order warned Mr. Donis that if he failed within the time allowed to file an amended complaint as directed, the complaint and the action would be dismissed without further notice.

Mr. Donis has failed within the time allowed to comply with the September 22, 2009, order for an amended complaint or otherwise to communicate with the Court in any way. Accordingly, it is

ORDERED that the complaint and the action are dismissed without prejudice for the failure of Plaintiff, David Donis, Sr., within the time allowed to comply with the September 22, 2009, order for an amended complaint and for his failure to prosecute.

DATED at Denver, Colorado, this 4th day of Nov., 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-01800-BNB

David Donis, Sr.
Prisoner No. 84275
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 11/4/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk