

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01824-BNB

CARLTON DUNBAR,
Plaintiff,

v.

WARDEN DAVIS,
DIRECTOR HARLEY LAPPIN, and
UNKNOWN MEDICAL STAFF,
Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
SEP 23 2009
GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff Carlton Dunbar initiated this action by filing *pro se* a Motion for Writ of Mandamus. In an order filed on August 3, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. Dunbar to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Dunbar either to pay the filing fee or to file a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Mr. Dunbar was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

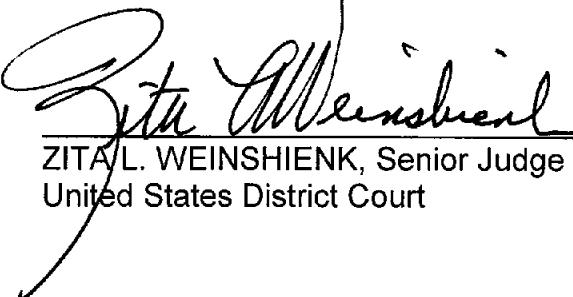
On August 10, 2009, Mr. Dunbar filed another Motion for Writ of Mandamus. However, he has failed within the time allowed either to pay the filing fee or to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 as directed by Magistrate Judge Boland. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies. Accordingly, it is

ORDERED that the action is dismissed without prejudice for failure to cure the deficiencies. It is

FURTHER ORDERED that the Motion for Writ of Mandamus filed on August 3, 2009, and the Motion for Writ of Mandamus filed on August 10, 2009, are denied as moot.

DATED at Denver, Colorado, this 22 day of Sept., 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

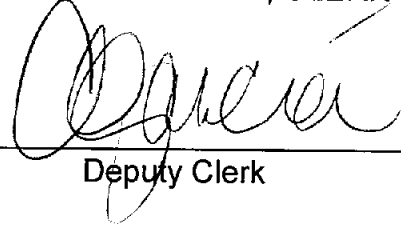
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Carlton Dunbar
Reg No. 32660-007
US Penitentiary ADX
P.O. Box 8500
Florence, CO 81226-8500

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 9/22/09

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk