

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01871-BNB

DANA COOPER, 135056,

Plaintiff,

v.

LT. HEIDENTHAL,
C/O D. JOHNSON,
SGT. WEST, and
WARDEN JONES,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP 23 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL


Plaintiff Dana Cooper is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Colorado State Penitentiary in Cañon City, Colorado. On July 27, 2009, Mr. Cooper initiated an action by filing a pleading titled, "Rule 27 Motion/Depositions to Perpetuate Testimony/Rule 27(a)(1)." Without a Complaint, Mr. Cooper's discovery request is inappropriate. Magistrate Judge Boyd N. Boland, nonetheless, entered an order on August 7, 2009, directing the Clerk of the Court to commence a civil action and instructing Mr. Cooper to file his claims on a current Court-approved Prisoner Complaint form and to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Mr. Cooper was warned that the action would be dismissed without further notice if he failed to comply within the time allowed.

Mr. Cooper now has failed to communicate with the Court, and as a result he has failed to cure the deficiencies within the time allowed. Accordingly, it is

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

DATED at Denver, Colorado, this 31 day of Sept., 2009.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

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FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 09-cv-01871-BNB

Dana Cooper
Prisoner No. 135056
Colorado State Penitentiary
P.O. Box 777
Cañon City, CO 81215-0777

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 9/23/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk