

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01905-BNB

NOAH NATHANIEL HEALY 120908,

Plaintiff,

v.

UNKNOWN STERLING CORRECTIONAL OFFICER(S),
LT. E. LAWSON NO. 2956,
NANCY WHITE,
SGT NICHOLS, and
CORRECTIONAL OFFICER BERGNER,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

OCT 23 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Noah Nathaniel Healy, is a prisoner in the custody of the Colorado Department of Corrections at the Sterling Correctional Facility. Mr. Healy initiated this action by filing a **pro se** Prisoner Complaint and a motion for leave to proceed **in forma pauperis** pursuant to 28 U.S.C. § 1915 together with a certified copy of his trust fund account statement.

By order dated August 11, 2009, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and granted Mr. Healy leave to proceed pursuant to 28 U.S.C. § 1915. On September 4, 2009, Magistrate Judge Boland determined that Mr. Healy'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. Healy was ordered to file an amended

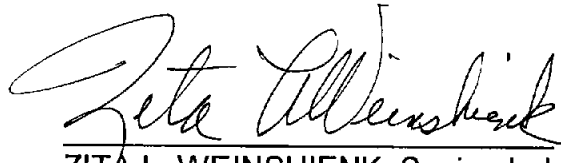
complaint, and was warned that the action would be dismissed without further notice if he failed to file an amended pleading within thirty days.

Mr. Healy 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 23 day of Oct, 2009.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
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CERTIFICATE OF MAILING

Civil Action No. 09-cv-01905-BNB

Noah Nathaniel Healy
Reg No. 120908
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 10/23/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk