

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01979-BNB

MARSHALL BERNARD JONES,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

OCT -2 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

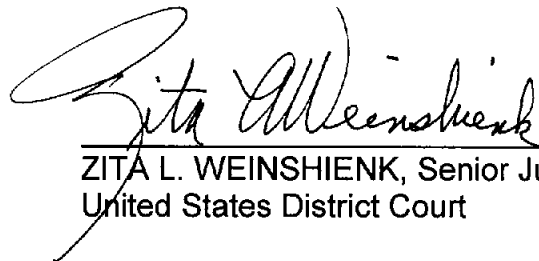
Plaintiff Marshall Bernard Jones is in the custody of the United States Bureau of Prisons and currently is incarcerated at the United States Penitentiary in Florence, Colorado. On August 14, 2009, Mr. Jones initiated this action by submitting to the Court a pleading titled, "Petition and Motion Requesting to be Reconized [sic] by the Federal Government as a Native America/American Indian." Magistrate Judge Boyd N. Boland entered an order on August 20, 2009, finding that the submitted document was deficient and directing Mr. Jones to file his claims on a Court-approved form used in filing prisoner complaints, to submit to a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, and to attach a certified copy of his trust fund account statement for the six months immediately preceding his filing. Mr. Jones was warned that if he failed to comply within the time allowed the Complaint and action would be dismissed.

On August 28, 2009, Mr. Jones submitted a Prisoner Complaint, a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, and a copy of his trust fund account statement. The trust fund account statement, as required by 28 U.S.C. § 1915(a)(2), is not certified by a prison official. Mr. Jones, therefore, has failed to cure all the deficiencies noted in the August 20, 2009, Order within the time allowed. Accordingly, it is

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

DATED at Denver, Colorado, this 1st 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-01979-BNB

Marshall B. Jones
Reg No. 84779-071
US Penitentiary Florence
P.O. Box 7000
Florence, CO 81226-7000

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