

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01990-BNB

MUHAMMAD MUSTAFA ABDULLAH,

Plaintiff,

v.

F.B.O.P. DIRECTOR HARLEY LAPPIN,
A.D.X. WARDEN WILEY,
UNIT MANAGER M. CULLINS,
LT. MANLY,
LT. RIVERS,
LT. CLARK,
C.O. MANSPEAKER,
C.O. BREAM,
C.O. SPAN,
CASE MANAGER SUDLOW,
C.O. HUBERT,
COUNSELOR FOSTOR.
C.O. TREHELIO,
COUNSELOR MADISON,
C.O. WRIGHT,
LAW LIBRARIAN MACK,
COUNSELOR KNOX,
C.O. WILLIAMS,
A.W. FOX,
FOOD ADMIN. JONES, and
ALL UNKNOWN A.D.X. OFFICIALS,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

OCT 22 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff Muhammad Mustafa Abdullah is in the custody of the United States Bureau of Prisons and currently is incarcerated at the United States Penitentiary in Florence, Colorado. Mr. Abdullah, acting *pro se*, initiated this action by filing a Motion for a Writ of Mandamus and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. In an order entered on August 21, 2009, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and instructed Mr. Abdullah to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Abdullah to file his claims on a Court-approved Prisoner Complaint form and to submit a certified copy of his trust fund account statement for the six-month period immediately preceding this filing. Mr. Abdullah was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On September 9, 2009, rather than complying with Magistrate Judge Boland's August 21, 2009, Order, Mr. Abdullah filed a pleading titled "Motion to Proceed," to which he attached an uncertified copy of his trust fund account statement that showed only the current amount in his prisoner account. In the Motion, Mr. Abdullah contends that he should not have to file his claims on a Court-approved form used in filing prisoner complaints.

Mr. Abdullah was instructed in the August 21, 2009, Order that he must submit a certified copy of his trust fund account statement for the six-months prior to the date the action is submitted to the Court. The provision of the certified copy of the trust fund account statement is required under 28 U.S.C. § 1915(a)(2). Mr. Abdullah, as he was instructed by Magistrate Judge Boland in the August 21, 2009, Order, also is required to

submit his claims on a proper Court-approved form in keeping with Rule 8.1.A. of the United States District Court for the District of Colorado Local Rules of Practice.

Mr. Abdullah's request that the Court waive the requirement that he submit his claims on a Court-approved form is inappropriate and nonresponsive to Magistrate Judge Boland's August 21, 2009, Order. The request will be denied, and the action will be dismissed without prejudice for failure to cure all noted deficiencies.


Accordingly, it is

ORDERED that Mr. Abdullah's request for a waiver of the requirement to submit his claims on a Court-approved Prisoner Complaint form is denied. It is

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

DATED at Denver, Colorado, this 21 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

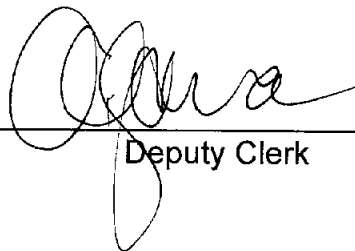
Civil Action No. 09-cv-01990-BNB

Muhammad Mustafa Abdullah
Reg No. 00115-000
ADX – Florence
P.O. Box 8500
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 10/22/09

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk