

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02068-BNB

ROBERT UTLEY,

Plaintiff,

v.

B. DAVIS, Warden, ADX Florence,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

NOV 20 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff Robert Utley, a federal prisoner in Colorado, initiated this action by filing *pro se* a letter to the Court stating that he intends to file a civil action against prison officials and that he cannot submit the filing fee without a case number. In an order filed on August 31, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. Utley to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Utley to file a Prisoner Complaint and either to pay the filing fee or to file a properly supported motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Mr. Utley was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

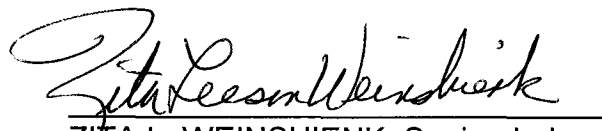
On September 16, 2009, Mr. Utley and three other inmates filed a "Motion for Enlargement of Time to Pay Filing Fee; and Request Clerk Place the Case Number on Complaint We Mailed to the Court." The inmates specifically request an extension of

time until October 27, 2009, to pay the filing fee. The Court has not received the filing fee within the time allowed or even within the additional time sought by Mr. Utley and the other inmates in the September 16 motion. Even more importantly, Mr. Utley has failed within the time allowed to file a Prisoner Complaint in this action as directed. 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.

DATED at Denver, Colorado, this 19 day of November, 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-02068-BNB

Robert Utley
Reg No. 11544-045
US Penitentiary ADX
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 11/20/09

GREGORY C. LANGHAM, CLERK

By: 
Deputy Clerk