

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02073-BNB

PEOPLE (OF): CITY OF OMAHA, COUNTY OF DOUGLAS,

Plaintiff,

v.

ARTHUR JAMES GRIFFIN, JR.,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

OCT 21 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Defendant Arthur James Griffin, Jr., an inmate at a detention facility in Omaha, Nebraska, initiated this action by filing *pro se* a document he describes as a "Notice (of) Intent – Pretrial [sic] Release." 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. Griffin to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Griffin to file a Prisoner Complaint and either to pay the filing fee or to file a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Mr. Griffin was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On September 10, 2009, Mr. Griffin filed on the proper forms two slightly different versions of a Prisoner Complaint in which he continues to list himself as the Defendant rather than the Plaintiff and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Attached to the Prisoner's Motion and Affidavit for

Leave to Proceed Pursuant to 28 U.S.C. § 1915 is a document that appears to be an uncertified copy of Mr. Griffin's inmate trust fund account statement. Mr. Griffin also has filed motions to amend on September 16, September 25, and September 28, 2009.

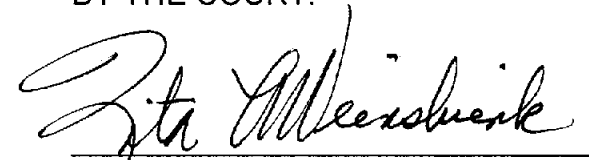
Mr. Griffin has failed to cure the deficiencies in this action because the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 is not supported by a certified copy of Mr. Griffin's inmate trust fund account statement as required pursuant to 28 U.S.C. § 1915(a)(2) and as specified on the Court's form motion seeking leave to proceed *in forma pauperis* that Mr. Griffin completed and filed in this action. Therefore, the action will be dismissed without prejudice for failure to cure all of the deficiencies. Accordingly, it is

ORDERED that the Prisoner Complaints and the action are dismissed without prejudice for failure to cure all of the deficiencies. It is

FURTHER ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and the pending motions to amend are denied as moot.

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-02073-BNB

Arthur James Griffin, Jr.
Prisoner No. 1551891
Douglas County
Department of Corrections
710 South 17th Street
Omaha, NE 68102

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 10/21/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk