

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02149-BNB

RICHIE HILL,

Plaintiff,

v.

LT. C. RIVERS,
C.O. HUEBERT, and
C.O. TREJELLO,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

OCT 22 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

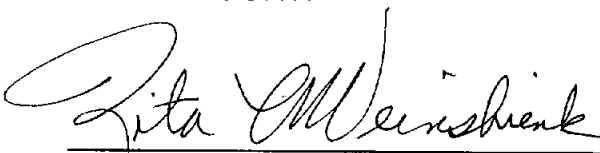
Dawane Mallett, an inmate at the United States Penitentiary, Administrative Maximum, at Florence, Colorado, initiated this action by filing a document titled "Motion for (Writ of Mandamus)" on behalf of Plaintiff Richie Hill as his next friend. In an order filed on September 9, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. Mallett to cure certain deficiencies if he wished to pursue this action. Specifically, Magistrate Judge Boland ordered Mr. Mallett 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. Magistrate Judge Boland also ordered Mr. Mallett to show cause why this action should not be dismissed because he lacks standing to act as Mr. Hill's next friend. Mr. Mallett was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Mallett has failed to cure the deficiencies within the time allowed, he has failed to show cause as directed, and he has failed to respond in any way to Magistrate Judge Boland's September 9 order. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies. Accordingly, it is

ORDERED that the "Motion for (Writ of Mandamus)" is denied and the action is dismissed without prejudice for failure to cure the deficiencies.

DATED at Denver, Colorado, this 21 day of Oct, 2009.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

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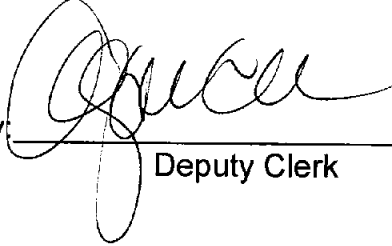
CERTIFICATE OF MAILING

Civil Action No. 09-cv-02149-BNB

Dawane Arthur Mallett
Reg No. 13944-097
US Penitentiary ADX
P.O. Box 8500
Florence, CO 81226-8500

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