

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02206-BNB

RUSSELL GREEAR,

Plaintiff,

v.

MENTAL HEALTH CO-OP OF DENVER,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

DEC 11 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Russell Greear, initiated this action by filing *pro se* a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, a Complaint and a pleading titled "Oral Argument Only." In an order filed on September 15, 2009, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and directed Mr. Greear to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Greear to file a complete complaint, with an original signature, on the court-approved form. He also ordered Mr. Greear to file a properly notarized Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 with an original signature, or pay the filing fee. Mr. Greear was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On October 15, 2009, Mr. Greear filed a letter with the Court, requesting a thirty-day extension of time to cure the enumerated deficiencies. Magistrate Judge

Boland granted Mr. Greear's request by Minute Order dated October 16, 2009, and ordered Mr. Greear to cure the enumerated deficiencies on or before November 16, 2009.

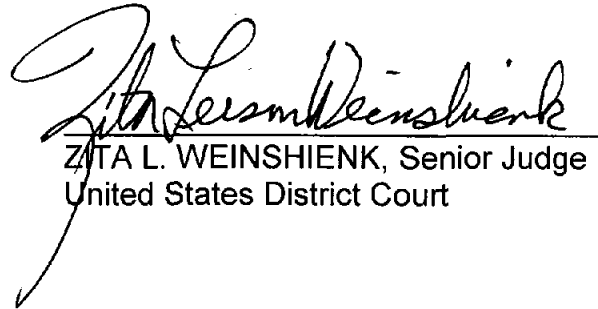
However, Mr. Greear has not communicated with the Court since October 15, 2009, nor has he filed a complete complaint with an original signature or a properly notarized Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Accordingly, Mr. Greear has failed to cure the deficiencies within the time allowed and 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 11 day of Dec., 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-02206-BNB

Russell Greear
1955 Arapahoe St. #603
Denver, CO 80202

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 12/11/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk