

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02378-BNB

DAMIAN DELANO GERMANY,

Plaintiff,

v.

STATE OF COLORADO, INC., and
JOHN WILLIAM SUTHERS, et al.,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

NOV 19 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Damian Delano Germany, submitted to the Court *pro se* a letter to the clerk of the Court and documents titled "Complaint for Damages and Other Relief," "Memorandum of Law," "Affidavit of Damian-Delano: Germany by Special Visitation," "Affidavit in Support of Complaint for Damages and Other Relief," "Notice and Affidavit for Leave to Proceed as a Seaman Pursuant to 28 U.S.C. § 1916," and "Certificate of Service." The Court reviewed the documents and determined they were deficient. Therefore, in an order filed on October 6, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. Germany to cure certain deficiencies in the case within thirty days if he wished to pursue his claims.

The October 6, 2009, order pointed out that Mr. Germany failed to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on the proper, Court-approved form. The October 6 order also pointed out that Mr. Germany failed to submit a complaint on the proper, Court-approved form, and that he

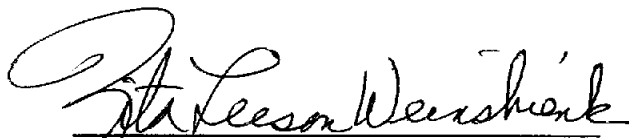
used "et al." instead of listing all parties in the caption. The order warned Mr. Germany that if he failed to cure the designated deficiencies within thirty days, the action would be dismissed without prejudice and without further notice.

On November 3, 2009, apparently in response to the October 6, 2009, order to cure, Mr. Germany submitted a document titled "Acceptance for Value." However, he has failed within the time allowed to cure the deficiencies designated in the October 6 order. Accordingly, it is

ORDERED that the complaint and the action are dismissed without prejudice for failure to cure.

DATED at Denver, Colorado, this 19 day of November, 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-02378-BNB

Damian Delano Germany
Prisoner No. 101917
Bent County Correctional Facility
11560 Road FF.75
Las Animas, CO 81054-9573

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 11/19/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk