

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02408-BNB

PEDRO DOMINGUEZ,

Plaintiff,

v.

JOHN COOKE, Weld County Sheriff,
AMY JANE DOE, RN, Health Services Administrator,
MARGO J. GEPPERT, Facility Doctor, and
JOHN DOE DILL, Chief Deputy,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 25 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff Pedro Dominguez, acting *pro se*, initiated this action by filing a Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Upon review of the merits of the Complaint, Magistrate Judge Boyd N. Boland entered an order, on October 22, 2009, directing Mr. Dominguez to file an Amended Complaint. Mr. Dominguez was instructed to assert personal participation by each named defendant. Mr. Dominguez also was instructed to submit an Amended Complaint that explains what each defendant did to harm him, when the defendant did the harmful act, how he was injured, and what specific legal right the defendant violated, in keeping with *Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1163 (10th Cir. 2007). Mr. Dominguez was warned that if he failed to file an Amended Complaint within the time allowed the Complaint and the action would be dismissed.


On December 2, 2009, Mr. Dominguez filed the first three pages of the Prisoner Complaint form and a Letter stating that he needs an extension of time to find someone who is able to help him with his Complaint. Based on reasons other than those stated in Mr. Dominguez's request, Magistrate Judge Boland, on December 2, 2009, granted Mr. Dominguez a thirty-day extension of time to file an Amended Complaint. Furthermore, the Minute Order dated December 2, 2009, was sent to both of the addresses provided to the Court by Mr. Dominguez, as was the Order of October 22, 2009, directing him to file an Amended Complaint.

Mr. Dominguez has failed to communicate with the Court, and as a result he has failed to comply with Magistrate Judge Boland's Order of October 22, 2009. The Court has reviewed the Complaint and concurs with Magistrate Judge Boland's findings in the October 22 Order. The action, therefore, will be dismissed for failure to amend and to prosecute within the time allowed. Accordingly, it is

ORDERED that the Complaint and action are dismissed without prejudice for failure to file an Amended Complaint and for failure to prosecute.

DATED at Denver, Colorado, this 25 day of January, 2010.

BY THE COURT:


CHRISTINE M. ARGUELLO
United States District Judge, for
ZITA LEESON 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-02408-BNB

Pedro Dominguez
Prisoner No. P6750
Weld County Jail
2110 "O" Street
Greeley, CO 80631

Pedro Dominguez
c/o Family Dominguez
3811 McAvoy Avenue
Evans, CO 80620

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 1/25/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk