

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02556-BNB

EARL KENT,
STEVEN MICHAEL TULLER, and
ALL OF THE INMATES AT SAN CARLOS CORRECTIONAL FACILITY,

Plaintiffs,

v.

ARISTEDES ZAVARAS,
LARRY RIED,
MAGOR [sic] GRAHAM,
CAPTAIN PRUITT,
CAPTAIN GOLDON,
LT. GANT,
SARGENT [sic] MCCARTHY,
JANNICE SHOEMAKER,
TIRRI GREEN,
JANNICE,
JACKIE VALARDEY,
HEARING OFFICER JEFFERY MINCH,
PRESIDENT [sic] OBAMA,
THE UNITED STATES SENATE,
SARGENT [sic] GALLAGAGOS,
PRESIDENT [sic] RAGAN [sic],
OFFICER JOHN DOE #2,
JANE DOE #3,
OFFICER BALDWIN,
BILL RITTER,
JOHN SUTHERS, and
BILL OWNES,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

DEC 11 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiffs, Earl Kent and Steven Michael Tuller, are in the custody of the Colorado Department of Corrections and currently are incarcerated at the San Carlos

Correctional Facility in Pueblo, Colorado. They submitted *pro se* a Prisoner Complaint that only Mr. Tuller signed.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1, the Court reviewed the complaint and determined it was deficient. Therefore, in an order filed on October 30, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Plaintiffs to cure certain deficiencies in the case within thirty days if they wished to pursue their claims.

The October 30, 2009, order pointed out that Mr. Kent and Mr. Tuller each failed to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a certified copy of his trust fund account statement for the six-month period immediately preceding this filing or to pay the \$350.00 filing fee for this action. The October 30 order also pointed out that both Plaintiffs failed to sign the submitted complaint. The order warned that if either Plaintiff failed to cure the designated deficiencies within thirty days, that Plaintiff would be dismissed without further notice as a party to this action. The order further warned that if both Plaintiffs failed to cure the designated deficiencies within the time allowed, the complaint and the action would be dismissed without further notice.

On November 30, 2009, Plaintiffs submitted an amended complaint that only Mr. Kent signed. Also on November 30, Plaintiffs submitted a document titled "Affidavit in Opposition for Motion for Summary Judgement [sic]" that they, as well as nonparties to this action, each signed, and a document titled "Plaintiffs Answer to This Courts [sic] Order to Show Cause" that only Mr. Tuller signed. Neither Plaintiff has submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and

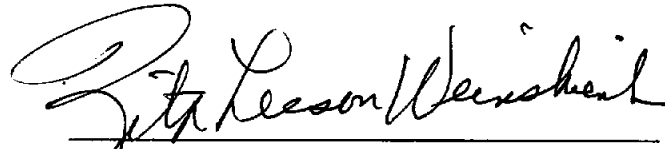
a certified copy of his trust fund account statement for the six-month period immediately preceding this filing or paid the \$350.00 filing fee for this action. Plaintiffs have failed within the time allowed to cure the deficiencies listed in the October 30, 2009, order.

Accordingly, it is

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

DATED at Denver, Colorado, this 11 day of Dec., 2009.

BY THE COURT:



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-02556-BNB

Steven Michael Tuller
Prisoner No. 76479
San Carlos Corr. Facility
PO Box 3
Pueblo, CO 81003

Earl Kent
Prisoner No. 8
San Carlos Corr. Facility
PO Box 3
Pueblo, CO 81003

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