

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02665-BNB

MICHAEL H. McCOY,

Plaintiff,

v.

MESA COUNTY, COLORADO, and
CITY OF GRAND JUNCTION,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER

JAN 07 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Michael H. McCoy, is a prisoner in the custody of the Mesa County Sheriff's Department. He initiated this action by filing a Prisoner Complaint with the Court on November 4, 2009.

In an order filed on November 13, 2009, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and directed Mr. McCoy to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. McCoy to file a complaint on the court-approved form, and either pay the filing fee or file a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Mr. McCoy was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.


Mr. McCoy has not communicated with the Court since November 4, 2009. Accordingly, he 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 6th day of January, 2010.

BY THE COURT:



PHILIP A. BRIMMER
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 09-cv-02665-BNB

Michael McCoy
c/o Rosemary McCoy
107 Phyllis Ln. Apt 34
Pikeville, KY 41501-3792

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 4/11/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk