

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02689-BNB

JOHN J. McCARTHY,

Plaintiff,

v.

JOHN DOE WARDEN, and
JOHN DOE AGENTS, USP Allenwood,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 13 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff John J. McCarthy initiated this action by filing *pro se* "Plaintiff's Civil Complaint With a Demand for Jury Trial." In an order filed on November 17, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. McCarthy to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. McCarthy to file on the proper form a Prisoner Complaint and either to pay the filing fee or to file a properly supported motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Mr. McCarthy was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. McCarthy has failed to cure the deficiencies within the time allowed and he has failed to respond in any way to Magistrate Judge Boland's November 17 order. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies. Accordingly, it is

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

DATED at Denver, Colorado, this 13th day of January, 2010.

BY THE COURT:

Handwritten signature of Philip A. Brimmer in cursive, followed by the word "for" in a smaller font.

PHILIP A. BRIMMER
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-02689-BNB

John J. McCarthy
Reg. No. 38051-066
FCI - Florence
P.O. Box 6000
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 1/13/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk