

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02708-BNB

THOMAS JAMES GACCETTA,

Plaintiff,

v.

IBEW LU 68, and
EIGHTH DISTRICT PENSION FUND,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 21 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Thomas James Gaccetta, initiated this action by filing *pro se* a Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in which the financial information was unclear and the affidavit was not notarized. Therefore, on November 18, 2009, Magistrate Judge Boyd N. Boland entered an order directing the clerk of the Court to commence the instant action and directing Mr. Gaccetta to cure these deficiencies.


On November 24, 2009, Mr. Gaccetta submitted an amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. On December 10, 2009, the Court denied Mr. Gaccetta leave to proceed *in forma pauperis* in this action, ordered him to pay the \$350.00 filing fee within thirty days, dismissed Electrical Forces LLC, also known as Powerline Electrical LLC, as a party to this lawsuit, and warned Mr. Gaccetta that if he failed to pay the full \$350.00 filing fee within the time allowed, the complaint and the action would be dismissed without further notice.

Mr. Gaccetta has failed, within the time allowed, to pay the \$350.00 filing fee or otherwise to communicate with the Court in any way. Accordingly, it is

ORDERED that the complaint and the action are dismissed without prejudice for the failure of Plaintiff, Thomas James Gaccetta, to pay the \$350.00 initial partial filing fee within the time allowed and for his failure to prosecute.

DATED at Denver, Colorado, this 20 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-02708-BNB

Thomas J. Gaccetta
9180 W. 74th Ave.
Arvada, CO 80005

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 1/21/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk