

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

Civil Action No. 09-cv-02710-BNB

JAN 11 2010

SOLOMON B. COHEN,

GREGORY C. LANGHAM  
CLERK

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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ORDER OF DISMISSAL

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Plaintiff Solomon B. Cohen initiated this action by filing *pro se* a "Notice of Intent to File Federal Tort Act Action." In an order filed on November 18, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. Cohen to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Cohen to file a 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. Cohen was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.


On December 15, 2009, Mr. Cohen filed a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. However, he has failed to file a complaint as directed. Therefore, the action will be dismissed without prejudice for failure to cure all of the deficiencies. Accordingly, it is

ORDERED that the action is dismissed without prejudice for failure to cure all of the deficiencies. It is

FURTHER ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 is denied as moot.

DATED at Denver, Colorado, this 11<sup>th</sup> 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-02710-BNB

Solomon B. Cohen  
Alien No. 077309675  
GEO/ICE Processing Center  
11901 E. 30<sup>th</sup> Ave.  
Aurora, CO 80010-1525

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 1/11/10

GREGORY C. LANGHAM, CLERK

By: 

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Deputy Clerk