

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02801-BNB

JUAN ZAVALA,

Plaintiff,

v.

BLAKE R. DAVIS, Warden,
M. COLLINS, Unit Manager, and
CAPTAIN KRIST,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 01 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

On November 19, 2009, Plaintiff Juan Zavala, a *pro se* prisoner litigant, submitted to the Court a pleading titled, "Motion From Writ of Mandamus" and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Mr. Zavala is in the custody of the United States Bureau of Prisons and currently is incarcerated at the United States Penitentiary in Florence, Colorado.

On December 1, 2009, Magistrate Judge Boyd N. Boland entered an order directing the Clerk of the Court to commence a civil action and instructing Mr. Zavala to file his claims on a Court-approved form used in filing prisoner complaints. Magistrate Judge Boland also instructed Mr. Zavala to submit a certified copy of his trust fund account statement for the six months immediately preceding the filing of the instant action as is required under 28 U.S.C. § 1915(a)(2). The account statement that Mr. Zavala submitted to the Court on November 19, 2009, was dated and certified on July


22, 2009. The statement does not include any transactions that took place from July 23 until November 16, 2009, when Mr. Zavala signed the § 1915 motion. The statement fails to comply with § 1915(a)(2).

On December 10, 2009, Mr. Zavala submitted his claims on a Court-approved form. He did not submit a certified account statement for the six months immediately preceding the filing of this action, however. Magistrate Judge Boland warned Mr. Zavala that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. The Complaint and action, therefore, will be dismissed because Mr. Zavala has failed to cure all of the noted deficiencies within the time allowed. Accordingly, it is

ORDERED that the Complaint and action are dismissed without prejudice for failure to cure all noted deficiencies.

DATED at Denver, Colorado, this 1st day of February, 2010.

BY THE COURT:



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-02801-BNB

Juan Zavala
Reg. No. 10296-045
ADX – Florence
PO Box 8500
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 2/1/10

GREGORY C. LANGHAM, CLERK

By 

Deputy Clerk