

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02850-BNB

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 21 2010

GREGORY C. LANGHAM
CLERK

TIMOTHY DOYLE YOUNG,

Plaintiff,

v.

UNITED STATES, and
ERIC HOLDER,

Defendants.

ORDER OF DISMISSAL

Plaintiff Timothy Doyle Young is in the custody of the United States Bureau of Prisons and currently is incarcerated at ADX Florence in Florence, Colorado. Mr. Young, acting *pro se*, initiated this action by filing a Prisoner Complaint pursuant to 28 U.S.C. § 1331 and 5 U.S.C. §§ 552 and 552a. In an order entered on December 7, 2009, Magistrate Judge Boyd N. Boland instructed Mr. Young either to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 or to pay the \$350.00 filing fee in full. He further was instructed to submit a certified copy of his trust fund account statement along with the § 1915 Motion and Affidavit.

On December 17, 2009, Mr. Young filed a pleading titled, "Preliminary Injunction." In the pleading, Mr. Young asserts that he is not able to amend or


prosecute this action because Lieutenant Shepherd has withheld his legal materials since November 24, 2009, including copies of his Complaint, the Federal Rules of Civil Procedure, his notes, and his legal citations. Mr. Young further asserts that he is unable to solicit an attorney. Mr. Young, however, does not assert that he is unable either to submit a § 1915 Motion and Affidavit along with a certified copy of his account statement or in the alternative to pay the \$350.00 filing fee, as he was instructed to do in Magistrate Judge Boland's December 7, 2009, Order.

On January 11, 2010, Mr. Young filed a § 1915 Motion and Affidavit. On Page Two of the Motion and Affidavit, with respect to the requirement that he submit a certified account statement, Mr. Young states that "I am unable to comply see: (1) # 08-cv-1622 (E.D.N.Y.) (2) # 07-ZLW-2240, dkt. # 27." In Case No. 07-cv-02240-ZLW, the Court went to great lengths to determine whether Mr. Young was provided with the opportunity to obtain a certified copy of his trust fund account statement. **See Young v. Bureau of Prisons**, No. 07-cv-02240-ZLW, Doc. Nos. 1 and 8 (D. Colo. Apr. 10, 2008). Mr. Young simply refuses to follow the required procedures to obtain additional photocopies of the certified copies of his trust fund account. **See Young**, No. 07-cv-02240-ZLW at Doc. No. 9. Therefore, Mr. Young has failed to comply with the December 7, 2009, Order and cure the noted deficiencies within the time allowed. Accordingly, it is

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

DATED at Denver, Colorado, this 20 day of January, 2010.

BY THE COURT:


CHRISTINE M. ARGUELLO,
United States District Judge, for
ZITA L. 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-02850-BNB

Timothy Doyle Young
Reg. No. 60012-001
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 1/21/10.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk