

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02863-BNB

TERRY CHRISTOPHER HENDRIX,

Plaintiff,

v.

BRIAN SCOTT SUGIOKA, Et. Al.,

Defendant.

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

FEB 19 2010

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Plaintiff, Terry Christopher Hendrix, is a prisoner in the custody of the Colorado Department of Corrections and is currently incarcerated at the Crowley County Correctional Facility. He initiated this action by filing a *pro se* pleading titled "Notice of Intent to File Suit," with the Court on December 2, 2009.

In an order filed on December 8, 2009, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and directed Mr. Hendrix to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Hendrix to file a complaint on the court-approved form, and either pay the filing fee or file a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Mr. Hendrix was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On January 4, 2010, Mr. Hendrix filed a "Petition for Extension of Time to File Claim," requesting additional time to cure the deficiencies and file his complaint with the

Court. By minute order dated January 5, 2010, Magistrate Judge Boland granted the motion, and ordered Mr. Hendrix to cure the deficiencies on or before February 11, 2010.

Mr. Hendrix has not communicated with the Court since January 4, 2010. Therefore, he has failed to cure the deficiencies within the time allowed and the action will be dismissed without prejudice for failure to cure the deficiencies. Accordingly, it is

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

DATED at Denver, Colorado, this 18<sup>th</sup> 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-02863-BNB

Terry C. Hendrix  
Prisoner No. 60828  
Crowley County Corr. Facility  
6564 State Hwy. 96  
Olney Springs, CO 81062-8700

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 2/19/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk