

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02885-BNB

WINSTON D. MADDOX,

Plaintiff,

v.

STATE OF COLORADO,  
WILLIAM RITTER, Governor, and  
ARI ZAVARAS, Exec. Dir. CDOC,

Defendants.

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

**MAR 11 2010**

**GREGORY C. LANGHAM**  
CLERK

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ORDER OF DISMISSAL

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Plaintiff, Winston D. Maddox, currently resides in Atlanta, Georgia. He filed *pro se* a complaint for money damages in which he failed to allege jurisdiction pursuant to any statutory authority. He also filed a motion for leave to proceed pursuant to 28 U.S.C. § 1915, the federal *in forma pauperis* statute, and was granted leave to proceed pursuant to § 1915.

On February 3, 2010, Magistrate Judge Boyd N. Boland ordered Mr. Maddox to file, within thirty days, an amended complaint that sued the proper parties, alleged the personal participation of each named Defendant, and complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure by asserting the statutory grounds for the Court's jurisdiction and providing a short and plain statement of his claims and the constitutional rights allegedly violated. The February 3 order warned Mr. Maddox that if he failed within the time allowed to file an amended complaint as directed the complaint and the action would be dismissed without further

notice. Mr. Maddox has failed within the time allowed to comply with the February 3 order or otherwise to communicate with the Court in any way. Accordingly, it is

ORDERED that the amended complaint and the action are dismissed without prejudice for the failure of Plaintiff, Winston D. Maddox, to file an amended complaint as directed in the February 3, 2010, order, and for his failure to prosecute.

DATED at Denver, Colorado, this 11th day of March, 2010.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge, for  
ZITA LEESON WEINSHIENK, Senior Judge  
United States District Court

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FOR THE DISTRICT OF COLORADO

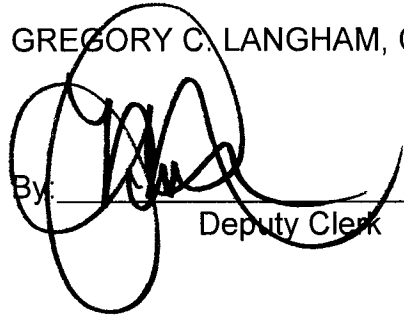
**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-02885-BNB

Winston D. Maddox  
149 Elysian Way NW  
Atlanta, GA 30327

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the  
above-named individuals on 3/11/10

GREGORY C. LANGHAM, CLERK

By:  \_\_\_\_\_  
Deputy Clerk