

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02909-BNB

ROY J. MAIN,

Applicant,

v.

CHARLES OLIN, Phase II SOTP/Territorial Facility,

Respondent.

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

**JAN 22 2010**

**GREGORY C. LANGHAM**  
CLERK

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ORDER OF DISMISSAL

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Applicant Roy J. Main initiated this action by filing *pro se* an "Application for a Writ of Mandamus Pursuant to 28 U.S.C. § 1651." In an order filed on December 11, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. Main to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Main to file on the proper form a Prisoner 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. Main was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Main has failed to cure the deficiencies within the time allowed and he has failed to respond in any way to Magistrate Judge Boland's December 11 order. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies. Accordingly, it is

ORDERED that the "Application for a Writ of Mandamus Pursuant to 28 U.S.C. § 1651" is denied and the action is dismissed without prejudice for failure to cure the deficiencies.

DATED at Denver, Colorado, this 21<sup>st</sup> day of January, 2010.

BY THE COURT:

 for  
\_\_\_\_\_  
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**

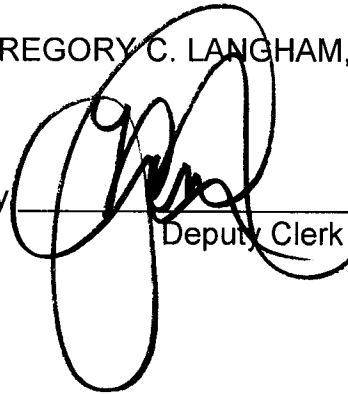
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Roy J. Main  
Prisoner No. 48337  
Colorado Territorial Corr. Facility  
PO Box 1010  
Cañon City, CO 81215- 1010

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the  
above-named individuals on 1/22/10

GREGORY C. LANGHAM, CLERK

By

A large, stylized handwritten signature in black ink, appearing to be 'G. Langham', is written over a horizontal line. The signature is highly cursive and loops around itself.

Deputy Clerk