

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02944-BNB

DAVID COOPER,

Plaintiff,

v.

DIRECTOR, OF DEPARTMENT OF CORRECTIONS,  
UNKNOWN NAME REGISTRATION CLERK, of the Receiving and Diagnostic Center  
of 4-29-08, and  
COLORADO DEPARTMENT OF CORRECTIONS SPOKE-PERSON, from 1998 to 4-  
10-09,

Defendants.

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

**JAN 25 2010**

**GREGORY C. LANGHAM**  
CLERK

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ORDER OF DISMISSAL

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Plaintiff, David Cooper, is in the custody of the Florida Department of Corrections and is currently incarcerated at the Charlotte Correctional Institution in Punta Gorda, Florida. Mr. Cooper initiated this action by submitting a "Motion to Notify This Court of Miscellaneous Matters," a "Motion for Appointment of Counsel," and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to § 1915 to the Court on December 11, 2009.

In an order entered on December 16, 2009, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and instructed Mr. Cooper to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Cooper to submit a certified copy of his prisoner's trust fund statement for the 6-month period immediately preceding the filing, and a Prisoner Complaint on the current, court-approved form. Mr. Cooper was warned that the action

would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On December 22, 2009, Mr. Cooper filed a Prisoner Complaint and a second Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. On January 8, 2010, Mr. Cooper filed a "Motion for Leave to File an Amended Complaint," an Amended Prisoner Complaint, a "Motion to Notify This Court of Miscellaneous Matters," and a copy of his inmate account statement.


The § 1915 Motion and Affidavit forms, however, are deficient because the account statements submitted by Mr. Cooper are not certified by either the warden or an appropriate officer at the facility where he is incarcerated. Mr. Cooper did not submit a certified copy of his inmate trust fund account statement in support of the 28 U.S.C. § 1915 Motion, as he is required to do pursuant to § 1915(a)(2), and as is specified on Page Two of the § 1915 Motion and Affidavit form. Therefore, the action will be dismissed without prejudice for failure to cure all noted deficiencies. Accordingly, it is

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

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 25 day of January, 2010.

BY THE COURT:

  
CHRISTINE M. ARGUELLO  
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-02944-BNB

Dana Cooper  
Prisoner No. OBO6034  
Charlotte Corr. Institution  
33123 Oil Well Road  
Puenta Gorda, Florida 33955

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 1/25/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk