

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02945-BNB

LONNIE WIGGINS, 04188-000,

Plaintiff,

v.

WARDEN DANIELS,  
FEDERAL BUREAU OF PRISONS,  
C.O. MUNOZ,  
C.O. STEGALL,  
C.O. JACQUES,  
C.O. DANIELS, and  
ALL CORRECTIONAL OFFICERS IN NURSE REICHERT S.H.U. UNIT,

Defendants.

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

FEB 03 2010

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Plaintiff, Lonnie Wiggins, is in the custody of the Bureau of Prisons and is currently incarcerated at the United States Penitentiary in Florence, Colorado. Mr. Wiggins initiated this action by filing a "Motion for Court Order" on December 10, 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. Wiggins to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Wiggins to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in addition to a certified copy of his prisoner's trust fund statement for the 6-month period immediately preceding the filing, or to pay the filing fee. Mr. Wiggins was also ordered to submit a Prisoner Complaint on the

current, court-approved form. Mr. Wiggins 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. Wiggins filed a Prisoner Complaint and an Amended Prisoner Complaint. He also filed two copies of a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. The § 1915 Motion and Affidavit form, however, is deficient because the account statement Mr. Wiggins attached is not certified by either the warden or an appropriate officer at the facility where he is incarcerated. Mr. Wiggins 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 2nd 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

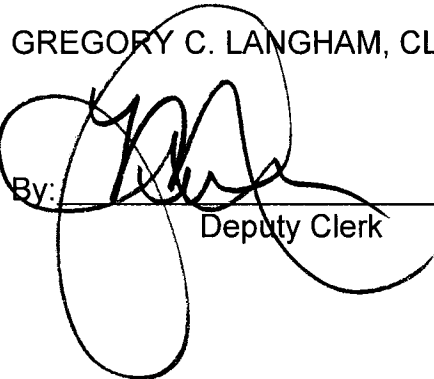
**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-02945-BNB

Lonnie Wiggins  
Reg No. 04188-000  
US Penitentiary Florence  
P.O. Box 7000  
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 2/3/10

GREGORY C. LANGHAM, CLERK

By:   
Deputy Clerk