

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-03006-BNB

CARLOS ARMENDARIZ,

Plaintiff,

v.

MARK MUNSON, Acting Warden,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 08 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL


Plaintiff Carlos Armendariz is in the custody of the United States Bureau of Prisons and currently is incarcerated at the Federal Correctional Institution in Florence, Colorado. Mr. Armendariz, acting *pro se*, initiated this action by filing a pleading titled, "Civil Rights Action Against Prison Official for Denying Access to Court Transcripts Pursuant to [sic] 42 U.S.C. § 1983." In an order entered on December 29, 2009, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and instructed Mr. Armendariz to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Armendariz to file his claims on a Court-approved form that is used in filing prisoner complaints. Magistrate Judge Boland also directed Mr. Armendariz either to pay the filing fee in full or to file a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 along with a certified copy of his trust fund statement for the six-month period immediately preceding the initiation of this action.

Magistrate Judge Boland warned Mr. Armendariz that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. Mr. Armendariz has failed to communicate with the Court. As a result, he has failed to cure the deficiencies within the time allowed. Therefore, the action will be dismissed without prejudice for failure to cure the noted deficiencies. Accordingly, it is

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

DATED at Denver, Colorado, this 5 day of February, 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-03006-BNB

Carlos Armendariz
Reg No. 42311-051
FCI - Florence
P.O. Box 6000
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 2/8/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk