

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00079-BNB

KEITH RUSSELL JUDD,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 19 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Keith Russell Judd, is a prisoner in the custody of the United States Bureau of Prisons at a federal prison in Texarkana, Texas. Mr. Judd submitted a document to the Secretary of State for the State of Colorado titled "Request to Correct, Amend, or Expunge Any Record of Federal Conviction of Felony Under Privacy Act, 5 U.S.C. § 552a(d) or Fed.R.Crim.P., Rule 36, or Any Other Law," which was forwarded to the Court. Although it was not clear what relief Mr. Judd was seeking, or even that he was seeking any relief from the Court, Magistrate Judge Boyd N. Boland entered an order on January 14, 2010, construing the document liberally as seeking some form of judicial relief. Magistrate Judge Boland directed the clerk of the Court to commence a civil action and directed Mr. Judd to cure certain deficiencies if he wished to pursue any claims in this Court in this action. Specifically, Magistrate Judge Boland ordered Mr. Judd to file on the proper form a Prisoner Complaint and either to pay the filing fee or to file on the proper form a properly supported Prisoner's Motion and Affidavit for Leave to

Proceed Pursuant to 28 U.S.C. § 1915. Mr. Judd was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On February 1, 2010, Mr. Judd filed a "Motion for Leave to Proceed In Forma Pauperis Under Criminal Justice Act." On February 2, 2010, Mr. Judd filed a "Complaint for Declaratory and Injunctive Relief to Correct Record That There is No Federal Felony Conviction or Sentence for Keith Russell Judd." Finally, on February 8, 2010, Mr. Judd filed a "Motion for Court to Take Judicial Notice of Lack of an Official Record in the Federal Case MO-98-CR-093: Fed.R.Civ.P., Rule 44(b); Fed.R.Evid., Rule 201(d)."

Mr. Judd has failed to cure the deficiencies within the time allowed. He has not filed on the proper forms either a Prisoner Complaint or a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 as required by the Court's local rules and he has not submitted a certified copy of his inmate trust fund account statement in support of his motion seeking leave to proceed *in forma pauperis* as required pursuant to 28 U.S.C. § 1915(a)(2). Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies. Accordingly, it is


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

FURTHER ORDERED that the "Request to Correct, Amend, or Expunge Any Record of Federal Conviction of Felony Under Privacy Act, 5 U.S.C. § 552a(d) or Fed.R.Crim.P., Rule 36, or Any Other Law," the "Motion for Leave to Proceed In Forma Pauperis Under Criminal Justice Act," and the "Motion for Court to Take Judicial Notice of Lack of an Official Record in the Federal Case MO-98-CR-093: Fed.R.Civ.P., Rule

44(b); Fed.R.Evid., Rule 201(d)" are denied as moot.

DATED at Denver, Colorado, this 18th day of February, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Philip A. Brimmer", followed by the word "for" in a smaller, cursive script. The signature is written above a horizontal line.

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. 10-cv-00079-BNB

Keith Russell Judd
Reg No. 11593-051
Federal Corr. Institution
P.O. Box 7000
Texarkana, TX 75505-7000

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 2/19/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk