

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00361-BNB

DANA COOPER,

Plaintiff,

v.

C/O REBETERANO,
C/O ELIZARDO,
C/O ROMERO, and
CAPT. DALTON,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 04 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Dana Cooper, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Colorado State Penitentiary in Cañon City, Colorado. Mr. Cooper, acting *pro se*, initiated this action by filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a "Motion to Proceed Without Account Statement 'or' Court Order for CSP to Provide." In an order entered on February 19, 2010, 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 file his claims on a Court-approved form that is used in filing prisoner complaints and to submit a certified copy of his trust fund statement for the six-month period immediately preceding the

initiation of this action. Mr. Cooper was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On March 22, 2010, Mr. Cooper filed a "Motion for Extension [sic] of Time to Cure the Deficiencies Under F. R. Civ. P." Magistrate Judge Boland entered a minute order on March 25, 2010 granting Mr. Cooper a thirty day extension to cure the deficiencies. Mr. Cooper now 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. It is

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 3rd day of May, 2010.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge, for
ZITA LEESON WEINSHIENK, Senior Judge
United States District Court

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FOR THE DISTRICT OF COLORADO

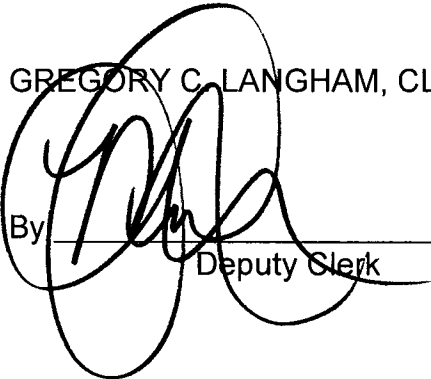
CERTIFICATE OF MAILING

Civil Action No. 10-cv-00361-BNB

Dana Cooper
Prisoner No. 135056
Colorado State Penitentiary
P.O. Box 777
Cañon City, CO 81215-0777

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 5/4/10

GREGORY C. LANGHAM, CLERK

By  Deputy Clerk