

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00422-BNB

STEVEN DOUGLAS McCARY,

Plaintiff,

v.

[NO DEFENDANT NAMED],

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 05 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Steven Douglas McCary, initiated this action by filing *pro se* a letter to the Court and an affidavit. In an order filed on February 25, 2010, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. McCary to cure certain deficiencies if he wished to pursue his claims. Magistrate Judge Boland specifically ordered Mr. McCary to file a Prisoner Complaint and to either pay the filing fee or file a properly supported motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Mr. McCary was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On March 10, 2010, Mr. McCary filed a letter to the Court expressing confusion about why a new civil action was opened when he already has a case pending before the Court, *see* 10-cv-00284-BNB, and seeking clarification of Magistrate Judge Boland's February 25 order. On March 11, 2010, Magistrate Judge Boland entered a minute order granting the request for clarification and advising Mr. McCary that he must

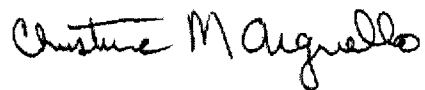
include a case number if he intends to have documents submitted to the Court filed in a particular case. Mr. McCary has not filed any other documents in this action.

Mr. McCary has failed to cure the deficiencies in this action within the time allowed. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies. Accordingly, it is

ORDERED that the action is dismissed without prejudice for failure to cure the deficiencies.

DATED at Denver, Colorado, this 2nd day of April, 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. 10-cv-00422-BNB

Steven Douglas McCary
Prisoner No. 60886
Bent County Correctional Facility
11560 Road FF.75
Las Animas, CO 81054-9573

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

GREGORY C. LANGHAM, CLERK

By: _____

Deputy Clerk