

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00522-BNB

DANA COOPER,

Plaintiff,

v.

C/O ARCHELETTA,
C/O DUTY,
C/O THOMAS,
C/O LOMBARDO,
CASE MANAGER BEARD,
CAPT. HUERTAS,
ASSOCIATE WARDEN ALLAN,
C/O VIALAPRANDO,
LT. CHAVEZ,
C/O DEMILLE,
C/O KENITZER,
SGT. MEYER,
C/O KIRSTEN, and
WARDEN JONES,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 14 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 "Motion for Court Order of Account Statement or Waiver of" and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. In an order entered on March 8, 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. Magistrate Judge Boland also directed Mr. Cooper 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.

Subsequently, Mr. Cooper notified the Court in Case No. 10-cv-00560–BNB that this case and Case No. 10-cv-00560-BNB were “the same case.” **Cooper v. Archeletta, et al.**, No. 10-cv-00560-BNB at Doc. No. 9 (D. Colo. filed Mar. 10, 2010). Mr. Cooper further stated in Case No. 10-cv-00560-BNB that he did not intend to pursue both cases and would only proceed in Case No. 10-cv-00560-BNB. **Id.** at Doc. 11. The Court directed Mr. Cooper to file a request in this case for dismissal if he desired to pursue only Case No. 10-cv-00560-BNB.

On April 9, 2010, Mr. Cooper filed a pleading titled “Notice to Show Cause . . . ,” in which he states that he “doe’s [sic] not desire to dismiss any of his cases for the barbaric abuses he has suffered.” Mr. Cooper also submitted a certified account statement. Although Mr. Cooper filed a certified account statement, he failed to submit his claims on a Court-approved form as he was instructed in the order of March 8, 2010. Mr. Cooper, therefore, has failed to cure all the deficiencies within the time allowed in the instant action. Accordingly, it is