

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00678-BNB

ERIC E. HOUSTON,

Plaintiff,

v.

WARDEN CHARLIE DANEILS [sic],
LT. M. BANUELOS,
LT. BORJA,
LT. LINCOLN,
NURSE EDITH REICHERT,
SIA BROWN,
CAPTAIN W. HUTCHINS,
V. VIGIL, RN,
CASE MANAGER CASTRO,
SIS VANEK,
SIS PEMENTEL
PA. BRAD CINK, and
DOCTOR DAVID ALLRED,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 29 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Eric E. Houston, is a prisoner in the custody of the United States Bureau of Prisons who currently is incarcerated at the United States Penitentiary in Florence, Colorado. On April 8, 2010, he submitted to the Court *pro se* an amended Prisoner Complaint pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (1993). On May 19, 2010, he was granted leave to proceed pursuant to 28 U.S.C. § 1915 without payment of an initial partial filing fee.

Also on May 19, Magistrate Judge Boyd N. Boland ordered Mr. Houston to file within thirty days a second and final amended complaint on the Court-approved complaint form that asserted all the claims against all the defendants he intended to sue, was legible to read, stated his claims clearly and concisely in accordance with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure, asserted what constitutional rights were violated, and alleged facts demonstrating the personal participation of each named defendant.

On May 27, 2010, Mr. Houston filed a motion for leave to file an amended complaint. On June 1, 2010, he filed a response to the May 19 order for a second and final amended complaint apparently asking for assistance in submitting the second amended complaint, a notice regarding mail tampering, and a motion for the appointment of counsel. On June 8, 2010, he filed a motion for an injunction. On June 14, 2010, he filed a letter to the Court. He has not, however, within the time allowed, submitted on the Court-approved form a complaint that complies with the May 19 order for a second and final amended complaint as directed. The May 19 order for a second and final amended complaint noted that, if Mr. Houston failed to file a second amended complaint as directed within the time allowed, the amended complaint and the action would be dismissed without further notice.

Accordingly, it is

ORDERED that the amended complaint and the action initiated by Plaintiff, Eric E. Houston, are dismissed without prejudice for failure to comply with the May 19, 2010, order for a second and final amended complaint. It is

FURTHER ORDERED that any pending motions are denied as moot.

DATED at Denver, Colorado, this 25th day of June, 2010.

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge, for
ZITA LEESON WEINSHEINK
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-00678-BNB

Eric Houston
Reg. No. 16891-074
USP – Florence
PO Box 7000
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 6/29/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk