

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00748-BNB

ANDREW CHAPNICK,

Plaintiff,

v.

CHARLES DANIELS,
L. MILUSNIC,
W. HUTCHINGS,
LINCOLN,
VIALPANDO,
GOMEZ,
J. KRATZBERG,
J. O'NEIL,
ARROYO,
FORAKER,
J. STEGALL, and
G. RAMIREZ,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 23 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Andrew Chapnick, 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. Mr. Chapnick initiated this instant action by filing *pro se* a 122-page document, including attachments, titled "Writ of Mandamus." He subsequently filed *pro se* a 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). He paid the \$350.00 filing fee.

On May 13, 2010, Magistrate Judge Craig B. Shaffer ordered Mr. Chapnick to file within thirty days an amended complaint that complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure and asserted the personal participation of each named Defendant. The May 13 order warned Mr. Chapnick that, if he failed to file an amended complaint as directed within the time allowed, the complaint and the action would be dismissed without further notice.

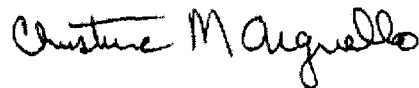
Mr. Chapnick has failed, within the time allowed, to file an amended complaint as directed or otherwise to communicate with the Court in any way.

Accordingly, it is

ORDERED that the complaint and the action are dismissed without prejudice for failure to cure and for failure to prosecute.

DATED at Denver, Colorado, this 23rd day of June, 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-00748-BNB

Andrew Chapnick
Reg No. 95131-012
US Penitentiary Florence
P.O. 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 6/23/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk