

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01053-BNB

JONATHAN SCHMIER,

Plaintiff,

v.

L & S ENTERPRISES, d/b/a McDonalds,
WESTSIDE, INC.,
LESTER LOUZON,
ELIZABETH, Store Manager #5067, and
LESLIE, Area Supervisor,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

AUG - 3 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Jonathan Schmier, initiated this action by filing *pro se* a complaint. On June 11, 2010, Mr. Schmier filed an amended complaint asserting defamation claims pursuant to 42 U.S.C. § 1983. On June 17, 2010, Magistrate Judge Boyd N. Boland ordered Mr. Schmier to show cause why this action should not be dismissed because the Court lacks subject matter jurisdiction over the defamation claims asserted in the amended complaint. Mr. Schmier was warned that the action would be dismissed without further notice if he failed to show cause within thirty days.

Mr. Schmier has failed to show cause within the time allowed and he has failed to respond in any way to Magistrate Judge Boland's June 17 order. Therefore, the action will be dismissed without prejudice for lack of subject matter jurisdiction.

Accordingly, it is

ORDERED that the complaint, the amended complaint, and the action are dismissed without prejudice for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(h)(3).

DATED at Denver, Colorado, this 2nd day of August, 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

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 10-cv-01053-BNB

Jonathan Schmier
4465 Laredo Meadow Point #105
Colorado Springs, CO 80922

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 8/31/10

GREGORY C. LANGHAM, CLERK

By 

Deputy Clerk