

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01097-BNB

ANTHONY T. WRIGHT, SR.,

Plaintiff,

v.

JOANN STOCK,
GATEMEL CHAMJOCK,
JOSEPH FORTUNATO,
MEGHAN REED, and
BARRY GOLDSMITH,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 28 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Anthony T. Wright, is in the custody of the Colorado Department of Corrections and is currently incarcerated at the Sterling Correctional Facility. Mr. Wright initiated this action by filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, and a Prisoner Complaint.

In an order entered on May 12, 2010, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and instructed Mr. Wright to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Wright to submit a certified copy of his prisoner's trust fund statement for the 6-month period immediately preceding the filing. Mr. Wright was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On May 21, 2010, Mr. Wright filed an account statement that was printed on March 22, 2010. However, the May 12 Order required Mr. Wright to file a certified account statement for the 6-month period immediately preceding the filing. Therefore, on May 24, 2010, Magistrate Judge entered a Minute Order noting that the account statement Mr. Wright filed was too old to fulfill the Court's requirements and directing Mr. Wright to file a certified inmate account statement for the 6-month period immediately preceding the filing. Mr. Wright was again warned that his failure to fulfill this requirement would result in the dismissal of his action without further notice.

On June 4, 2010, Mr. Wright filed an inmate account statement that was printed on June 1, 2010. The account statement, however, is deficient because it is not certified by the appropriate officer at the facility where he is incarcerated. Mr. Wright did not submit a certified copy of his inmate trust fund account statement in support of the 28 U.S.C. § 1915 Motion, as he is required to do pursuant to § 1915(a)(2), and as is specified on Page Two of the § 1915 Motion and Affidavit form. Therefore, the action will be dismissed without prejudice for failure to cure all noted deficiencies.

Accordingly, it is

ORDERED that the Complaint and the action are dismissed without prejudice for failure to cure all deficiencies. It is

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 24th day of June, 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-01097-BNB

Anthony T. Wright, Sr.
Prisoner No. 127658
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 6/28/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk