

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01098-BNB

ISMAEL AVENAS GONZALES,

Plaintiff,

v.

[NO NAMED DEFENDANT],

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 23 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Ismael Avenas Gonzales, is a prisoner in the custody of the United States Bureau of Prisons who currently is incarcerated at the Federal Correctional Institution in Littleton, Colorado. He initiated this action by submitting to the Court *pro se* a civil rights complaint. The Court reviewed the complaint and determined it was deficient. Therefore, in an order filed on May 12, 2010, Magistrate Judge Craig B. Shaffer directed the clerk of the Court to commence a civil action and directed Mr. Gonzales to cure certain deficiencies in the case within thirty days if he wished to pursue his claims.

The May 12 order pointed out that Mr. Gonzales failed either to pay the \$350.00 filing fee or to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 together with a certified copy of his trust fund account statement for the six-month period immediately preceding this filing. The May 12 order also pointed out that Mr. Gonzales failed to submit a complaint on the proper, Court-approved form.

The order warned Mr. Gonzales that, if he failed to cure the designated deficiencies within thirty days, the complaint and the action would be dismissed without prejudice and without further notice. Mr. Gonzales has failed within the time allowed to cure the deficiencies listed in the May 12 order 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 22nd 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-01098-BNB

Ismael Avenas Gonzales
Reg No. 32780-013
FCI - Englewood
9595 W. Quincy Ave.
Littleton, CO 80123

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 6/22/10

GREGORY C. LANGHAM, CLERK

By  _____

Deputy Clerk