

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01283-BNB

AHMEDIN YUSUF,

Plaintiff,

v.

ARAPAHOE COUNTY DET. FACILITY,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 15 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

At the time Plaintiff, Ahmedin Yusuf, initiated the instant action, he was detained at the Arapahoe County Detention Facility in Englewood, Colorado. On June 8, 2010, Plaintiff submitted a Notice of Change of Address to the Court, indicating he no longer is incarcerated.

In an order entered on June 10, 2010, Magistrate Judge Boyd N. Boland instructed Mr. Yusuf that, because he no longer is incarcerated, he is obligated to pay the filing fee like any nonprisoner on the basis of whether he qualifies for *in forma pauperis* status. **See *Whitney v. New Mexico***, 113 F.3d 1170, 1171 n.1 (10th Cir. 1997); **see also *McGore v. Wrigglesworth***, 114 F.3d 601, 612-13 (6th Cir. 1997); ***In re Prison Litigation Reform Act***, 105 F.3d 1131, 1138-39 (6th Cir. 1997); ***McGann v. Commissioner, Soc. Sec. Admin.***, 96 F.3d 28, 29-30 (2^d Cir. 1996).

Magistrate Judge Boland ordered Mr. Yusuf either to submit an Amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 or, in the alternative,

to pay the \$350.00 filing fee in full if he desired to pursue his claims in this action. Mr. Yusuf was warned that the action would be dismissed without further notice if he failed to comply with the June 10 Order within the time allowed.

Mr. Yusuf now has failed to communicate with the Court and, as a result, he has failed to comply with Magistrate Judge Boland's June 10 Order within the time allowed. Accordingly, it is

ORDERED that the Complaint and action are dismissed pursuant to Fed. R. Civ. P. 41(b) because Mr. Yusuf failed to comply with the order entered on June 10, 2010, within the time allowed. It is

FURTHER ORDERED that the Complaint and action are dismissed without prejudice.

DATED at Denver, Colorado, this 15th day of July, 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-01283-BNB

Ahmedin Yusuf
8831 E. Florida Ave.
Apt. #C201
Denver, CO 80247

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to
the above-named individuals on 7/15/10

GREGORY C. LANGHAM, CLERK

By: _____


Deputy Clerk