

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01562-BNB

TYE JASON SMITH,

Plaintiff,

v.

EXEC DIR ARIS ZAVARAS, Colorado Department of Corrections,
PRIVATE PRISON MANAGEMENT UNIT,
CORRECTIONS CORPORATION OF AMERICA, and
WARDEN, Kit Carson Correction Center,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

AUG 10 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Tye Jason Smith, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Limon Correctional Facility in. He initiated this action by filing an "Acceptance of all Costs, Fees, and Expenses of the Attached Action for Discharge," and a Prisoner Complaint with the Court on June 25, 2010.

In an order filed on July 1, 2010, Magistrate Judge Boyd N. Boland ordered Mr. Smith to cure certain enumerated deficiencies in this case within thirty days. Specifically, Mr. Smith was directed to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on the Court-approved form and a certified copy of his prisoner's trust fund statement for the 6-month period immediately preceding the filing. He was informed that the § 1915 motion and affidavit was only necessary if the \$350.00 filing fee was not paid in advance. The July 1 order warned Mr. Smith that if he failed to


cure the designated deficiencies within the time allowed, the action would be dismissed without further notice.

On July 28, 2010, Mr. Smith filed a document with the Court titled "Notice of Fault and Opportunity to Cure and Contest Acceptance." Mr. Smith, however, has failed to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 or pay the \$350.00 filing fee, as directed by the July 1 Order. Therefore, Mr. Smith has failed within the time allowed to cure the designated deficiencies. Accordingly, it is

ORDERED that the action dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Tye Jason Smith, to comply with the order to cure dated July 1, 2010.

DATED at Denver, Colorado, this 9th day of August, 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-01562-BNB

Tye Jason Smith
Prisoner No. 110667
Limon Correctional Facility
49030 State Hwy. 71
Limon, CO 80826

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

GREGORY C. LANGHAM, CLERK

By 

Deputy Clerk