

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01702-BNB

HAROLD LEE HYBERG,

Plaintiff,

v.

[NO NAMED DEFENDANT],

Defendant.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

SEP 08 2010

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Plaintiff, Harold Lee Hyberg, initiated this action by filing two letters with the Court on July 12, 2010. At the time of filing, he was a prisoner in the custody of the El Paso County Sheriff's Department, and was incarcerated in the El Paso County Criminal Justice Center.

In an order filed on July 19, 2010, Magistrate Judge Boyd N. Boland ordered Mr. Hyberg to cure certain enumerated deficiencies in this case within thirty days. Specifically, Mr. Hyberg was directed to submit a Prisoner Complaint on the Court-approved form. Mr. Hyberg was also 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 19 Order warned Mr. Hyberg that if he failed to cure the designated deficiencies within the time allowed, the action would be dismissed without further notice.

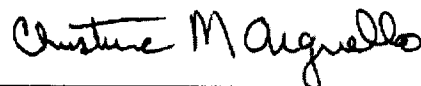
On July 26, 2010, the Court's July 19 Order to Cure was returned as undeliverable. On July 27, 2010, Magistrate Judge Boland directed the Clerk of the Court to remail the July 19 Order to Mr. Hyberg at an alternate address that he provided in his July 12 letter. On August 2, 2010, the July 19 Order was again returned to the Court as undeliverable. On August 19, 2010, Mr. Hyberg filed a letter with the Court regarding a "resentcing [sic] that is to be on August 27, 2010 . . . ." However, Mr. Hyberg did not provide the Court with his current mailing address.

Mr. Hyberg has now failed to file a Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 as directed by the July 19 Order. He has also failed to notify the Court of his change of address in a timely manner as required by the Local Rules of Practice of this Court. **See** D.C.COLO.LCivR 10.1M. (notice of new address to be filed within five days after any change of address). Therefore, Mr. Hyberg 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, Harold Lee Hyberg, to comply with the Order to Cure dated July 19, 2010.

DATED at Denver, Colorado, this 8th day of September, 2010.

BY THE COURT:



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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-01702-BNB

Harold Lee Hyberg  
Prisoner No. #A00160229  
601 Monument St.  
Calhan, CO 80808

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the  
above-named individuals on 9/8/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk