

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01975-BNB

KIMBERLY VELEZ,

Plaintiff,

v.

SGT. FRETWELL,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP 27 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Kimberly Velez, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Denver Women's Correctional Facility in Denver, Colorado. Ms. Velez, acting *pro se*, initiated this action by filing a Prisoner Complaint and a Prisoner's Motion and Affidavit Pursuant to 28 U.S.C. § 1915. In an order entered on August 18, 2010, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and instructed Ms. Velez that the prisoner trust fund account statement that she had submitted to the Court was deficient because it was not certified by an appropriate prison official. Magistrate Judge Boland directed Ms. Velez to submit a certified copy of her prison account statement for the six months immediately preceding the filing of this action if she wished to pursue her claims.

Magistrate Judge Boland warned Ms. Velez that the action would be dismissed without further notice if she failed to cure the deficiency within thirty days. Ms. Velez has failed to communicate with the Court. As a result, she has failed to cure the

deficiency within the time allowed. Therefore, the action will be dismissed without prejudice for failure to cure the noted deficiency. Accordingly, it is

ORDERED that the Complaint and action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure the deficiencies and for failure to prosecute.

DATED at Denver, Colorado, this 27th day of September, 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-01975-BNB

Kimberly Velez
Prisoner No. 137716
Denver Women's Corr. Facility
PO Box 392005
Denver, CO 80239

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 9/27/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk