

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

MAR 17 2011

GREGORY C. LANGHAM
CLERK

Civil Action No. 10-cv-02558-BNB

RONALD RICHARDSON, on Behalf of Himself and All Others (Now and in the Future
Will Be) Similarly Situated,

Plaintiff,

v.

GRAYSON ROBINSON, Sheriff, Arapahoe County Detention Facility,
UNKNOWN REPRESENTATIVE, Arapahoe County Justice Coordinating Committee,
UNKNOWN REPRESENTATIVE, Arapahoe County Board of Commissioner,
DOUGLAS K. WILSON, State Public Defendant, Arapahoe County Public Defendant
Office,
(These Defendants are Sued Jointly and Severally in Their Official and/or Individual
Capacities),

Defendants.

ORDER OF DISMISSAL

Plaintiff, Ronald Richardson, is a pre-trial detainee in the custody of the Arapahoe County Sheriff's Department and is currently incarcerated at the Arapahoe County Detention Facility (ACDF) in Centennial, Colorado. Mr. Richardson initiated this action by filing *pro se* an "Affidavit by Pre Trial Detainee," "Notice of Joinder," Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, and a Prisoner Complaint. He amended his Complaint by filing it on the court-approved form on November 1, 2010.

By Order dated December 2, 2010, Mr. Richardson was granted leave to proceed *in forma pauperis*. The December 2 Order also denied Mr. Richardson's Motion for Class Certification, Motions for Joinder, and Motion for Removal.

On December 8, 2010, Magistrate Judge Boyd N. Boland determined that Mr. Richardson's amended complaint was deficient because it named improper parties and failed to allege facts that demonstrated how the named Defendants personally participated in the asserted constitutional violations. Mr. Richardson was ordered to file a second amended complaint. He was warned that the action would be dismissed without further notice if he failed to file an amended pleading within thirty days.

On December 16, 2010, Mr. Richardson filed a Motion for Reconsideration requesting that the Court reconsider the December 2 Order which denied his Motion for Class Certification. Also on December 16, 2010, Mr. Richardson filed a Notice of Appeal to the United States Court of Appeals for the Tenth Circuit with regard to the Court's Order denying his Motion for Class Certification. On January 6, 2011, the Court denied Mr. Richardson's Motion for Reconsideration. On January 24, 2011, the United States Court of Appeals for the Tenth Circuit dismissed Mr. Richardson's appeal for lack of jurisdiction because the action is not subject to a final order.

On January 26, 2011, Magistrate Judge Boland noted that Mr. Richardson's appeal had been dismissed and again directed Mr. Richardson to file a second amended complaint within thirty days. Mr. Richardson was warned that his failure to file an amended pleading would result in the dismissal of this action without further notice.

Mr. Richardson has failed to file a second amended complaint as directed by Magistrate Judge Boland, and he has not communicated with the Court since December 23, 2010. No mail has been returned to the Court as undeliverable. As a result, Mr. Richardson has failed to file an amended pleading within the time allowed. Therefore, the Amended Complaint and action will be dismissed without prejudice.

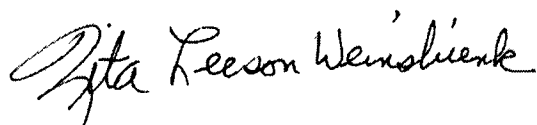
Accordingly, it is

ORDERED that the Amended Complaint and this action are dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to file an amended pleading within the time allowed. It is

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 17th day of March, 2011.

BY THE COURT:

A handwritten signature in black ink, reading "Zita Leeson Weinsienk". The signature is written in a cursive style with a large initial "Z".

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-02558-BNB

Ronald Richardson
Prisoner No. 0910886
Arapahoe County Det. Facility
PO Box 4918
Englewood, CO 80155-4918

I hereby certify that I have mailed a copy of the **ORDER and JUDGMENT** to the above-named individuals on March 17, 2011.

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk