

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAR 15 2011

GREGORY C. LANGHAM
CLERK

Civil Action No. 10-cv-02691-BNB

DOUGLAS BURNS,

Plaintiff,

v.

SGT. STACEY BUFORD,
JOHN DOE, Colorado Attorney General,
R. N. WOLFF,
LT. M. MEEHAN,
TED LAURANCE, P.A.,
DR. AASEN,
DR. VAHIL,
P.A. TEJINDER SINGH,
NURSE OR P.A.'S JOHN AND JANE DOE'S at DWCF Infirmary,
RUDY HERRERA, and
JOHN DAVIS,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Douglas Burns, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Arkansas Valley Correctional Facility in Crowley, Colorado. Mr. Burns initiated this action by filing *pro se* a Prisoner Complaint. On November 4, 2010, he was granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, and ordered to pay an initial partial filing fee of \$15.00 within thirty days. On December 8, 2010, he was granted an additional thirty days in which to pay the initial partial filing fee or show cause as directed in the November 4, 2010, order why he is unable to do so.

On February 7, 2011, Magistrate Judge Boyd N. Boland ordered Mr. Burns to file within thirty days an amended complaint that complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure and asserted the personal participation of each named Defendant. The February 7 order warned Mr. Burns that, if he failed within the time allowed to file an amended complaint as directed, the complaint and the action would be dismissed without further notice.

Mr. Burns has failed, within the time allowed, to pay the initial partial filing fee or show cause why he is unable to do so, to file an amended complaint as directed, or otherwise to communicate with the Court in any way.

Accordingly, it is

ORDERED that the complaint and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Douglas Burns, within the time allowed, to pay the initial partial filing fee or show cause why he is unable to do so, to file an amended complaint that complies with the pleading requirements of Fed. R. Civ. P. 8 and with the directives of the February 7, 2011, order for an amended complaint, and for his failure to prosecute.

DATED at Denver, Colorado, this 15th day of March, 2011.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court

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FOR THE DISTRICT OF COLORADO


CERTIFICATE OF MAILING

Civil Action No. 10-cv-02691-BNB

Douglas Burns
Prisoner No. 47358
Arkansas Valley Corr. Facility
PO Box 1000
Crowley, CO 81034

I hereby certify that I have mailed a copy of the **ORDER** and **JUDGMENT** to the above-named individuals on March 15, 2011.

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk