

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02837-BNB

KIMBERLY DYKES,

Plaintiff,

v.

ROSE MEDICAL CENTER,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 21 2011

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Kimberly Dykes, initiated this action by filing a *pro se* Complaint and a motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 on November 19, 2010. By order dated December 10, 2010, Magistrate Judge Boyd N. Boland granted Ms. Dykes leave to proceed *in forma pauperis*.

On December 14, 2010, Magistrate Judge Boland determined that the Complaint was deficient because it failed to comply with Rule 8 of the Federal Rules of Civil Procedure. Therefore, Ms. Dykes was directed to file an amended complaint. Ms. Dykes was warned that the action would be dismissed without further notice if she failed to file an amended pleading within thirty days.

Ms. Dykes has now failed to file an amended complaint, as directed by Magistrate Judge Boland, nor has she communicated with the Court since November 19, 2010. As a result, she has failed to file an amended pleading within the time allowed. Therefore, the Complaint and action will be dismissed without prejudice.

Accordingly, it is

ORDERED that the Complaint and this action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for Plaintiff's 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 21st day of January, 2011.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, 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-02837-BNB

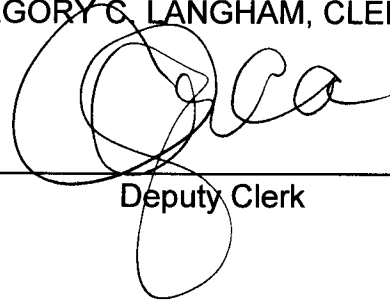
Kimberly Dykes
2575 South Syracuse Way - L-106
Denver, CO 80231

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on January 21, 2011.

GREGORY G. LANGHAM, CLERK

By: _____

Deputy Clerk

A handwritten signature in black ink, appearing to read 'G. Langham', is written over a horizontal line. The signature is stylized and somewhat cursive.