

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADOFILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. 10-cv-02934-BNB

FEB 16 2011

JAMES W. HALL,

GREGORY C. LANGHAM
CLERK

Plaintiff,

v.

LT. SCOTT, and
WARDEN KEVIN MILYARD,

Defendants.

ORDER OF DISMISSAL

Plaintiff, James W. Hall, is a prisoner in the custody of the Colorado Department of Corrections at the Sterling Correctional Facility in Sterling, Colorado. Mr. Hall initiated this action by filing *pro se* a Prisoner Complaint. On December 10, 2010, Magistrate Judge Boyd N. Boland directed Mr. Hall to cure a deficiency if he wished to pursue his claims in this action. Specifically, Magistrate Judge Boland ordered Mr. Hall either to pay the filing fee or to file a properly supported motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Mr. Hall was warned that the action would be dismissed without further notice if he failed to cure the deficiency within thirty days.

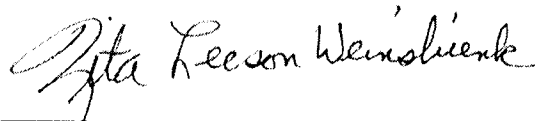
On January 11, 2011, Mr. Hall filed a document titled "District Court Civil (CV) Case Cover Sheet for Initial Pleading of Complaint, Counterclaim, Cross-Claim or Third Party Complaint." However, Mr. Hall has failed within the time allowed either to pay the filing fee or to file a properly supported motion seeking leave to proceed *in forma*

pauperis pursuant to 28 U.S.C. § 1915. Therefore, the action will be dismissed without prejudice for failure to cure the deficiency identified by Magistrate Judge Boland in his December 10 order. 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 because Plaintiff failed to cure the deficiency as directed.

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

BY THE COURT:

A handwritten signature in cursive script that reads "Zita Leeson Weinsienk".

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-02934-BNB

James W. Hall
Prisoner No. 113495
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER and JUDGMENT** to the above-named individuals on February 16, 2011.

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk