

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-03156-BNB

MELVIN VIERRA,

Plaintiff,

v.

[NO NAMED DEFENDANT],

Defendant.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JAN 18 2011

GREGORY C. LANGHAM  
CLERK

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ORDER DISMISSING CASE

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Plaintiff, Melvin Vierra, acting *pro se*, submitted a letter to the Court for filing on December 29, 2010. He submitted a second letter for filing on January 6, 2010. Although the letters did not include a civil action number, it is evident that Mr. Vierra intended to file the letters in Case No. 10-cv-02422-BNB, a pending action in this Court brought pursuant to 28 U.S.C. § 2254. This is because the letters filed by Mr. Vierra on December 29, 2010, and January 6, 2011, relate to his state court proceedings in the Morgan County Combined Court, which is also the subject of Case No. 10-cv-02422-BNB. As such, this new action was commenced in error. The Court, therefore, will dismiss the instant action without prejudice and instruct the Clerk of the Court to file the letters from this case in Case No. 10-cv-02422-BNB. Accordingly, it is

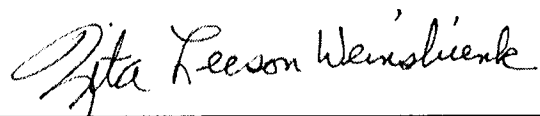
ORDERED that the letter (Doc. No. 1) filed on December 29, 2010, and the letter (Doc. No. 2) filed on January 6, 2011, are ordered filed in Case No. 10-cv-02422-BNB.

It is

FURTHER ORDERED that the action is dismissed without prejudice and the Clerk of the Court is instructed to close the instant action.

DATED at Denver, Colorado, this 18th day of January, 2011.

BY THE COURT:

A handwritten signature in cursive script, reading "Zita Leeson Weinsienk".

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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-03156-BNB

Melvin Vierra  
Prisoner No. 87807  
Colorado State Penitentiary  
P.O. Box 777  
Cañon City, CO 81215-0777

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on January 18, 2011.

GREGORY C. LANGHAM, CLERK

By:   
\_\_\_\_\_  
Deputy Clerk