

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 20 2011

GREGORY C. LANGHAM
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00574-BNB

TIMOTHY DOYLE YOUNG,

Plaintiff,

v.

BUREAU OF PRISONS,
ARTHUR S. NIETO,
YVETTE FETTERHOFF, and
C/O SZEMBROWSKI,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Timothy Doyle Young, is in the custody of the United States Bureau of Prisons and currently is incarcerated at ADX in Florence, Colorado. Mr. Young, acting *pro se*, initiated this action by filing a pleading titled "Civil Complaint."

In an order entered on March 15, 2011, Magistrate Judge Boyd N. Boland instructed Mr. Young to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland directed Mr. Young to file his claims on a Court-approved form that is used in filing prisoner complaints and either to pay the filing fee in full or to file a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, along with a certified copy of his trust fund statement for the six-month period immediately preceding the initiation of this action.

Mr. Young submitted his claims on a Court-approved form on March 28, 2011. He, however, did not submit a 28 U.S.C. § Motion and Affidavit or in the alternative pay the \$350.00 filing fee. Mr. Young, therefore, has failed to cure the deficiencies within the time allowed. Accordingly, it is

ORDERED that the Complaint and the action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure deficiencies.

DATED at Denver, Colorado, this 20th day of April, 2011.

BY THE COURT:

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

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 11-cv-00574-BNB

Timothy Doyle Young
Reg. No. 60012-001
ADX Florence
PO Box 8500
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER and JUDGMENT** to the above-named individuals on April 20, 2011.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk