

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 18 2011

GREGORY C. LANGHAM
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00876-BNB

THERON MAXTON,

Plaintiff,

v.

[NO DEFENDANT NAMED],

Defendant.

ORDER OF DISMISSAL

Plaintiff, Theron Maxton, is a prisoner in the custody of the United States Bureau of Prisons at the United States Penitentiary in Florence, Colorado. Mr. Maxton initiated this action by filing *pro se* a letter to the Court requesting an emergency court order regarding treatment for prostate cancer. In an order filed on April 11, 2011, Magistrate Judge Boyd N. Boland directed Mr. Maxton to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Maxton to file a Prisoner Complaint and either to pay the filing fee or to file a properly supported Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Mr. Maxton was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. On April 12, 2011, a copy of Magistrate Judge Boland's April 11 order was remailed to Mr. Maxton at the correct address.

Mr. Maxton has failed to cure the deficiencies within the time allowed. Instead, on May 16, 2011, Mr. Maxton filed another letter to the Court stating that he is unable to

go forward with this case. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies. Accordingly, it is

ORDERED that the action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Maxton failed to cure the deficiencies as directed.

DATED at Denver, Colorado, this 18th day of May, 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. 11-cv-00876-BNB

Theron Maxton
Reg. No. 85599-071
USP Florence - High
PO Box 7000
Florence, CO 81226

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

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk