

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JUN 27 2011

GREGORY C. LANGHAM  
CLERK

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01265-BNB

ROBERT UTLEY,

Plaintiff,

v.

OFFICER C. JARBOE,  
OFFICER G. SZEMBORSKI,  
WARDEN BLAKE RANDY DAVIS,  
OFFICER T. GOFF,  
OFFICER J. ROY,  
OFFICER D. LAW,  
OFFICER C. HANSEN,  
LT. YEAGER,  
OFFICER K. SPATH,  
OFFICER D. SHEPARD,  
OFFICER M. MOHLER,  
CAPTAIN RUSS KRIST,  
CAPTAIN LOYD,  
UNIT MANAGER PATRICIA RANGEL,  
LT. JANSON,  
PSYCHOLOGIST PAUL ZOHN, and  
ALL UNKNOWN OFFICERS,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Robert Utley, is a prisoner in the custody of the United States Bureau of Prisons at the United States Penitentiary, Administrative Maximum at Florence, Colorado. Mr. Utley initiated this action by filing *pro se* a pleading seeking a writ of mandamus based on allegedly unconstitutional conditions of confinement along with an "Affidavit of Indigency" and an "Affidavit of Truth." On May 19, 2011, Magistrate Judge

Boyd N. Boland entered an order directing Mr. Utley to cure certain deficiencies if he wished to pursue his claims in this action. Specifically, Magistrate Judge Boland ordered Mr. Utley to file a Prisoner Complaint and 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. Utley was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On June 1, 2011, Mr. Utley filed a statement regarding interference with his constitutional right to exercise his religious beliefs freely. On June 6, 2011, Mr. Utley filed a statement regarding falsification of Z-unit logs pertaining to segregation review hearings and range checks. On June 7, 2011, Mr. Utley filed a statement complaining about the conditions of his confinement. However, Mr. Utley has failed to cure the deficiencies in this action because he has failed to file a Prisoner Complaint and he has failed either to pay the filing fee or to file a properly supported motion seeking leave to proceed *in forma pauperis*. 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 Plaintiff failed to cure the deficiencies as directed.

DATED at Denver, Colorado, this 27<sup>th</sup> day of June, 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-01265-BNB

Robert Utley  
Reg No. 11544-045  
US Penitentiary ADX  
P.O. 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 June 27, 2011.

GREGORY C. LANGHAM, CLERK

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