

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

AUG 22 2011

GREGORY C. LANGHAM
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01772-BNB

STEVEN M. HUNTER,

Plaintiff,

v.

USP FLORENCE, and
WARDEN, et al.,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Steven M. Hunter, is a prisoner in the custody of the United States Bureau of Prisons who currently is incarcerated at the United States Penitentiary - High Security in Florence, Colorado. He initiated the instant action by submitting to and filing with the Court *pro se* a document titled "Emergency Petition for an [sic] Writ of Mandamus." The Court reviewed the document and determined it was deficient. Therefore, on July 13, 2011, Magistrate Judge Boyd N. Boland directed Mr. Hunter to cure certain deficiencies in the case within thirty days if he wished to pursue his claims.

The July 13 order pointed out that Mr. Hunter failed to submit either the \$350.00 filing fee or a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 together with a certified copy of his trust fund account statement for the six-month period immediately preceding this filing. The order also pointed out that Mr. Hunter failed to submit a Prisoner Complaint. The order directed the clerk of the Court to mail to Mr. Hunter the proper, Court-approved forms for filing a complaint and for

seeking leave to proceed pursuant to § 1915, and warned him that, if he failed to cure the designated deficiencies within the time allowed, the action would be dismissed without prejudice and without further notice.

Mr. Hunter has failed, within the time allowed, to cure the deficiencies listed in the July 13 order, or otherwise to communicate with the Court in any way. Therefore, the action will be dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to comply with a Court order and cure the designated deficiencies as directed within the time allowed, and for failure to prosecute.

Accordingly, it is

ORDERED that the action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Steven M. Hunter, within the time allowed, to cure the deficiencies designated in the order to cure of July 13, 2011, and for his failure to prosecute.

DATED at Denver, Colorado, this 22nd day of August, 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-01772-BNB

Steven M Hunter
Reg. No. 03704-017
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 August 22, 2011.

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk