

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP 07 2011

GREGORY C. LANGHAM
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01897-BNB

LESLIE M. WILSON, Secured Party Creditor,

Plaintiff,

v.

THE PEOPLE OF THE STATE OF COLORADO,
THE STATE OF COLORADO, and
WARDEN, V. EVERT, KCCC,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Leslie M. Wilson, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Kit Carson Correctional Center in Burlington, Colorado. He initiated this action by filing a letter and a document titled "Notice of Intent to Redeem 38-38-302 CRSA" with the Court on July 21, 2011.

On July 28, 2011, Magistrate Judge Boyd N. Boland ordered Mr. Wilson to cure certain enumerated deficiencies in this case within thirty days. Specifically, Mr. Wilson was directed to submit a Prisoner Complaint on the Court-approved form. Mr. Wilson was also directed to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on the Court-approved form and a certified copy of his prisoner's trust fund statement for the 6-month period immediately preceding the filing. He was informed that the § 1915 motion and affidavit was only necessary if the \$350.00 filing fee was not paid in advance. The July 28 order warned Mr. Wilson that if he failed to

cure the designated deficiencies within the time allowed, the action would be dismissed without further notice.

On July 29, 2011, Mr. Wilson filed several documents with the Court, including a "Bill of Exchange", "Unconditional Acceptance for Value", "Private Registered Bond for Personal Surety [sic]", "Petition for Order for Discharge of the Bill / Debt / Judgement and Receipt [sic] of Same", and "Notice of Transfer". On August 5, 2011, Mr. Wilson filed a document titled "Notice of Demur." Mr. Wilson, however, has failed to file a Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 as directed by the July 28 Order. Therefore, Mr. Wilson has failed within the time allowed to cure the designated deficiencies. 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, Leslie M. Wilson, to comply with the order to cure dated July 28, 2011. It is

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 6th day of September, 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-01897-BNB

Leslie M Wilson
Prisoner No. 82362
Kit Carson Corr. Center
PO Box 2000
Burlington, CO 80807

I hereby certify that I have mailed a copy of the **ORDER and JUDGMENT** to the above-named individuals on September 7, 2011.

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk