

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02170-BNB

DAVID HOVER,

Plaintiff,

v.

JOHN HICKENLOOPER, Governor, Colorado,  
TONY CAROCHI, Deputy Director of Prisons, C.D.O.C.,  
C.C.A. DBA Bent County Corr. Fac., (Warden Sloan),  
AMICK 7 JENKS INC. (Jeffrey Jenks),  
WESTERN CLINICAL SERVICES (C.E.O.),  
C/O TUPPER, in his personal capacity,  
UNKNOWN, C/O JOHN DOE, in his personal capacity, and  
UNKNOWN CONTRACTORS/SUBCONTRACTORS of C.C.A./D.O.C.,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, David Hover, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the correctional facility in Sterling, Colorado. Mr. Hover filed *pro se* a prisoner complaint pursuant to 28 U.S.C. § 1343, 42 U.S.C. § 1983, and 18 U.S.C. § 1514(a) for money damages and injunctive relief. He was granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

On September 26, 2011, Magistrate Judge Boyd N. Boland ordered Mr. Hover to submit within thirty days an amended complaint that (1) did not assert jurisdiction pursuant to criminal statutes because private citizens cannot prosecute criminal actions, (2) complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure, and (3) alleged the personal participation of each named defendant. The

September 26 order directed Mr. Hoover to obtain the Court-approved Prisoner Complaint form, with the assistance of his case manager or his prison facility's legal assistant, and the applicable instructions at [www.cod.uscourts.gov](http://www.cod.uscourts.gov). The September 26 order also warned Mr. Hoover that, if he failed to file an amended complaint as directed within the time allowed, the complaint and the action would be dismissed without further notice.

Mr. Hoover has failed, within the time allowed, to file an amended complaint as directed or otherwise to communicate with the Court in any way. Therefore, the complaint and the action will be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with a Court order and file an amended complaint as directed within the time allowed, and for failure to prosecute.

Accordingly, it is

ORDERED that the complaint and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, David Hoover, within the time allowed to file an amended complaint as directed in the order of September 26, 2011, and for his failure to prosecute.

DATED at Denver, Colorado, this 3<sup>rd</sup> day of November, 2011.

BY THE COURT:

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