

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02339-BNB

ANDRE BARTON,

Plaintiff,

v.

DEPUTY ECHEART, Adams County Jail,

Defendant.

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

**OCT 19 2011**

**GREGORY C. LANGHAM**  
CLERK

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ORDER OF DISMISSAL

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Plaintiff, Andre Barton, is a prisoner in the custody of the Colorado Department of Corrections at the Colorado Territorial Correctional Facility in Cañon City, Colorado. Mr. Barton initiated this action by filing *pro se* a letter to the Court in which he appeared to be complaining about his treatment while incarcerated. On September 13, 2011, Magistrate Judge Craig B. Shaffer ordered Mr. Barton to cure certain deficiencies if he wished to pursue any claims in this action. Specifically, Magistrate Judge Shaffer ordered Mr. Barton to file a Prisoner Complaint on the proper form 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 on the proper form. Mr. Barton was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On September 21, 2011, Mr. Barton filed a letter (Doc. #3) and two other documents titled "excipt 1" (Doc. #4) and "excipt D File Law Suit" (Doc. #5). Mr. Barton

describes being assaulted by Defendant in the letter and in the document titled "excipt 1" and he complains about other issues in all three documents, including the conditions of his confinement, stolen and destroyed property, his placement, his removal from a halfway house, and a lack of adequate medical treatment while in custody. However, Mr. Barton 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* on the proper form.

With respect to the deficiencies he was ordered to cure, Mr. Barton alleges in the letter to the Court that his case manager stated "he is not getting involed [sic] in district court matter." (Doc. #3 at 1.) However, it is not clear what this statement means because Mr. Barton also alleges that his case manager provided him with a copy of his account statement in January. The Court notes that Mr. Barton has submitted a copy of his inmate trust fund account statement dated January 3, 2011. (See Doc. #5 at 5.) Mr. Barton does not make any specific allegation that he has been denied or prevented from obtaining the necessary forms or a current certified copy of his inmate trust fund account statement to cure the deficiencies in this action. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies. 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 because Plaintiff failed to cure the deficiencies as directed.

DATED at Denver, Colorado, this 19<sup>th</sup> day of October, 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**

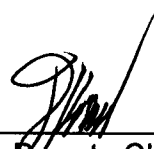
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Andre Barton  
Prisoner No. 106761  
Colorado Territorial Correctional Facility  
PO Box 1010  
Cañon City, CO 81215

I hereby certify that I have mailed a copy of the **ORDER and JUDGMENT** to the above-named individuals on October 19, 2011.

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_



Deputy Clerk