

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02538-BNB

THOMAS E. BURGHARDT,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Thomas E. Burghardt, initiated this action by filing *pro se* a "Motion to Cancel Naturalization, Pursuant to 8 U.S.C. 1481."

In an October 4, 2011 Order, Magistrate Judge Boyd N. Boland directed Mr. Burghardt to cure certain enumerated deficiencies in this case within thirty days. Specifically, Mr. Burghardt was ordered to file a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on the court-approved form, or to pay the \$350.00 filing fee. Plaintiff was also directed to submit a Complaint on the court-approved form. The October 4 Order warned Mr. Burghardt that if he failed to cure the designated deficiencies within the time allowed, the action would be dismissed without further notice.

On November 3, Mr. Burghardt submitted a Complaint and an "Application to Proceed in District Court Without Prepaying Costs or Fees." The Court advised Mr. Burghardt in a November 7, 2011 Minute Order that the submitted documents did not comply with the October 4 Order to Cure. Mr. Burghardt was allowed an additional

thirty days to file a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Complaint on the court-approved forms. The Court further advised Mr. Burghardt that the forms were available on the court's website at www.cod.uscourts.gov or in person from the Clerk's Office which is located at 901 19th Street, Denver, Colorado. Mr. Burghardt was also warned that failure to comply with the November 7, 2011 Minute Order and the October 4 Order to Cure would result in dismissal of this action without further notice.

Mr. Burghardt submitted a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on December 7, 2011. However, he has not submitted a Complaint on the court-approved form. Therefore, Mr. Burghardt has failed to cure the designated deficiencies within the time allowed. Accordingly, it is

ORDERED that the action be dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Thomas E. Burghardt, to comply with the order to cure dated October 4, 2011.

DATED at Denver, Colorado, this 14th day of December, 2011.

BY THE COURT:

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