

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02541-BNB

CECIL BYNUM,

Plaintiff,

v.

CITY AND COUNTY OF DENVER, MUNICIPALITY,
MAYOR MICHAEL HANCOCK,
KERI JOHNSON
DAVID RYAN,
A.P. RICHMOND,
J. CASIAS,
J. ANDREWS,
ROBERT HART, and
J. SIMMONS,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Cecil Bynum, is in the custody of the Colorado Department of Corrections and currently is incarcerated at Kit Carson Correctional Center in Burlington, Colorado. Mr. Bynum, acting *pro se*, initiated this action by filing a pleading titled "Motion for Review of Trial Courts and Court of Appeals Discison [sic] Pursuant to 24-10-109, C/.R.S. and Section 13-80-103" and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. In an order entered on October 5, 2011, Magistrate Judge Boyd N. Boland instructed Mr. Bynum to cure a certain deficiency in his pleading. Specifically, Magistrate Judge Boland directed Mr. Bynum to submit his claims on a Court-approved form used in filing prisoner actions and instructed him to obtain the correct form from the Court's website with the help from his case manager or the facility's legal assistant.

Magistrate Judge Boland warned Mr. Bynum that the action would be dismissed without further notice if he failed to cure the deficiency within thirty days. On November 3, 2011, Mr. Bynum filed a document titled "Civil Action Complaint Pursuant to 24-10-109, and Pursuant to 29-5-111." Mr. Bynum did not submit his claims on a Court-approved form. The action, therefore, will be dismissed without prejudice for failure to cure the deficiency. Accordingly, it is

ORDERED that the Complaint and action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure the deficiency and for failure to prosecute.

DATED at Denver, Colorado, this 15th day of November, 2011.

BY THE COURT:

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