

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00534-GPG

JOHN W. PEROTTI, and
PATRICK J. ROSELLI,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

ORDER DISMISSING PLAINTIFF PATRICK J. ROSELLI

Plaintiffs initiated this action by filing *pro se* in the United States District Court for the Middle District of Pennsylvania a civil rights complaint. Some of Plaintiffs' claims are asserted against prison officials at two federal prisons in Colorado. On March 9, 2015, the United States District Court for the Middle District of Pennsylvania transferred to the District of Colorado the claims against USP-Florence Defendants Daniels, Johnson, Allred, Andreis, Serby, Collins, and Cink and the claims against FCI-Florence Defendants Cozza-Rhodes, Wands, Tucker, Young, Bond, Martin, Klein, Hill, Quintana, Maditch, Sutton, and Chapman. The Middle District of Pennsylvania also transferred to the District of Colorado Plaintiffs' Federal Tort Claims Act claims that relate to the Florence prisons.

On March 17, 2015, Magistrate Judge Gordon P. Gallagher entered an order directing Plaintiffs to cure certain deficiencies if they wished to pursue their claims. More specifically, Magistrate Judge Gallagher directed Plaintiffs to file an amended

pleading on the proper form that asserts only their claims that were transferred to the District of Colorado. Plaintiffs were warned that the action would be dismissed without further notice if they failed to file an amended pleading as directed. On April 10, 2015, Magistrate Judge Gallagher entered a minute order granting an extension of time until May 18, 2015, to cure the deficiencies.

On May 11, 2015, Plaintiff John W. Perotti filed an amended complaint (ECF No. 8) on the proper form as directed. The amended complaint is not signed by Plaintiff Patrick J. Roselli and does not include any claims on behalf of Mr. Roselli. Mr. Roselli has not responded in any way to Magistrate Judge Gallagher's March 17 order. Therefore, Mr. Roselli will be dismissed as a party to this action. Accordingly, it is

ORDERED that Plaintiff Patrick J. Roselli is dismissed without prejudice as a party to this action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because he failed to comply with a court order.

DATED at Denver, Colorado, this 27th day of May, 2015.

BY THE COURT:

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