

UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO

ALFONSO F. CARDENAS;

Plaintiff,

vs.

T. BERQUIST, JOHN DOE,

Defendants.

Case No.: CV 09-623-S-BLW

ORDER OF DISMISSAL

BACKGROUND

Plaintiff, Alfonso F. Cardenas, is an inmate currently living at the Idaho Maximum Security Institution (“IMSI”). The Clerk of Court conditionally filed Plaintiff’s Complaint as a result of his status as an inmate and his in forma pauperis request and the Court issued an initial review order dismissing the case without prejudice and providing Plaintiff with 30 days in which to amend.

The Clerk of Court mailed Plaintiff a copy of the Initial Review Order at Plaintiff’s last known address, but the mail was returned. Plaintiff has not appeared in this case since the Complaint was filed in December of 2009. Because there is no indication from the record that Plaintiff intends to pursue this case, the Court must dismiss the Complaint without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

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ORDER

NOW THEREFORE IT IS HEREBY ORDERED that the Complaint (Docket No. 1) in this matter is DISMISSED without prejudice.



DATED: **January 11, 2011**

B. Lynn Winmill

B. LYNN WINMILL

Chief U.S. District Court Judge