

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

DEC 27 2004

PATRICK FISHER
Clerk

WADE W. SLAUGHTER,

Plaintiff-Appellant,

v.

MR. QUINTANA; MR. RULET; Mr.
SANCHEZ; LT. MESTIPUST;
WARDEN GUNJA; and NORTH
CENTRAL REGIONAL OFFICE OF
FEDERAL BUREAU OF PRISONS,
and executives or employees involved
or parties at the U.S. Penitentiary
Florence,

Defendants-Appellees.

No. 04-1372

(D. Colorado)

(D.C. No. 04-Z-735)

ORDER AND JUDGMENT*

Before **KELLY, HENRY, and TYMKOVICH**, Circuit Judges.**

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10TH CIR. R. 36.3.

** After examining the briefs and appellate record, this panel has determined unanimously to decide this case on the briefs without oral argument. See FED. R. APP. P. 34(f); 10TH CIR. R. 34.1 (G).

Wade W. Slaughter, a federal prisoner in the custody of the United States Department of Prisons, appeals the district court's order dismissing his 42 U.S.C. § 1983 action without prejudice. The district court's dismissal was based on Mr. Slaughter's failure to submit a certified trust statement for the entire six-month period preceding the filing of his complaint and his failure to name the same defendants in the caption and the body of the complaint and in the caption and affidavit for leave to proceed in forma pauperis.

In an April 14, 2004 order, the magistrate judge notified Mr. Slaughter of these deficiencies and allowed him thirty days to cure them. Mr. Slaughter failed to do so, and, on May 28, 2004, the district court dismissed his complaint without prejudice to the refiling of a corrected complaint, motion, and affidavit.

In his appellate brief, Mr. Slaughter fails to explain his failure to file a corrected complaint in response to the court's order. We therefore conclude that the district court's dismissal was proper.

Accordingly, we AFFIRM the district court's dismissal of Mr. Slaughter's

complaint without prejudice.¹

Entered for the Court,

Robert H. Henry
Circuit Judge

¹ We grant Mr. Slaughter's motion to proceed without prepayment of the filing fee. We remind Mr. Slaughter of his obligation to continue making partial payments until the entire fee is paid.