

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02012-BNB

BILL LASH,

Plaintiff,

v.

JAMES CASIAS, Las Animas County Sheriff Department,  
REYNALDO F. SANTISTEVAN, Las Animas County Sheriff Department,  
DEREK NAVARETTE, Las Animas County Sheriff Department,  
ERCOLE D'EROLE III, Las Animas County Sheriff Department, and  
MANUAL NAVARETTE, Las Animas County Sheriff Department,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Bill Lash, filed *pro se* a motion and affidavit for leave to proceed pursuant to 28 U.S.C. § 1915 and a complaint pursuant to 42 U.S.C. § 1983 for money damages, in which he complained he was falsely arrested and imprisoned and subjected to unreasonable and excessive force. Mr. Lash was granted leave to proceed pursuant to 28 U.S.C. § 1915.

On November 2, 2011, Magistrate Judge Boyd N. Boland ordered Mr. Lash to file within thirty days an amended complaint on the Court-approved complaint form that complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure and alleged the personal participation of each named defendant. The November 2 order warned Mr. Lash that if he failed to file an amended complaint as directed within the time allowed the complaint and the action would be dismissed

without further notice. Mr. Lash has failed to file an amended complaint as directed within the time allowed or otherwise to communicate with the Court in any way.

Finally, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status will be denied for the purpose of appeal. **See *Coppedge v. United States***, 369 U.S. 438 (1962). If Mr. Lash files a notice of appeal he must also pay the full \$455 appellate filing fee or file a motion to proceed *in forma pauperis* in the United States Court of Appeals for the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24.

Accordingly, it is

ORDERED that the complaint and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Bill Lash, within the time allowed, to file an amended complaint as directed in the order for an amended complaint of November 2, 2011. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied.

DATED at Denver, Colorado, this 9<sup>th</sup> day of December, 2011.

BY THE COURT:

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