

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02967-BNB

JIM NAVARRO,

Plaintiff,

v.

NO NAMED DEFENDANT,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Jim Navarro, currently resides in Rocky Ford, Colorado. Mr. Navarro, acting *pro se*, initiated this action by submitting a Letter regarding the denial of government funded programs. On November 23, 2011, Magistrate Judge Boyd N. Boland instructed Mr. Navarro to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Navarro to file his claims on a Court-approved form used in filing a civil complaint and either to submit a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 or in the alternative to pay the \$350.00 filing fee. Mr. Navarro was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Navarro has failed to communicate with the Court, and as a result he has failed to cure the deficiencies within the time allowed.

Finally, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order is not 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. Navarro 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 action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure the deficiencies and for failure to prosecute. It is

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

DATED at Denver, Colorado, this 10th day of January, 2012.

BY THE COURT:

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