

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02977-BNB

CURT ALLEN SIGLER,

Plaintiff,

v.

COOPER, TANIS AND COHEN, PC,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Curt Allen Sigler, is a resident of St. Cloud, Minnesota. He initiated this action by filing a Complaint and an Affidavit with the Court on November 16, 2011.

In an order filed on November 29, 2011, Magistrate Judge Boyd N. Boland ordered Mr. Sigler to cure certain enumerated deficiencies in this case within thirty days. Specifically, Mr. Sigler was directed to submit a Complaint on the Court-approved form. Mr. Sigler was also directed to file a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on the Court-approved form. He was informed that the § 1915 motion and affidavit was only necessary if the \$350.00 filing fee was not paid in advance. The November 29 order warned Mr. Sigler that if he failed to cure the designated deficiencies within the time allowed, the action would be dismissed without further notice.

Mr. Sigler has not communicated with the Court since November 16, 2011. He has failed to file a Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 as directed by the November 29 Order. Therefore,

Mr. Sigler has failed within the time allowed to cure the designated deficiencies.

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 Plaintiff 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 action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Curt Allen Sigler, to comply with the order to cure dated November 29, 2011. It is

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

DATED at Denver, Colorado, this 9th day of January, 2012.

BY THE COURT:

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