

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-03126-BNB

ROBERT BODISON,

Plaintiff,

v.

NURSE PRACTITIONER BOYD, Centennial Correctional Facility,

Defendant.

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ORDER OF DISMISSAL

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Plaintiff, Robert Bodison, is a prisoner in the custody of the Colorado Department of Corrections at the Centennial Correctional Facility in Cañon City, Colorado. On December 14, 2011, Magistrate Judge Boyd N. Boland entered an order granting Mr. Bodison leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in this action. Pursuant to § 1915(b)(1), Magistrate Judge Boland ordered Mr. Bodison either to pay an initial partial filing fee or to show cause why he has no assets and no means by which to pay the initial partial filing fee. Mr. Bodison was warned that the complaint and the action would be dismissed without further notice if he failed either to pay the initial partial filing fee or to show cause within thirty days.

On December 28, 2011, Mr. Bodison submitted to the Court what appears to be the copy of Magistrate Judge Boland's December 14 order that was mailed to him after the order was entered. Mr. Bodison provides no explanation for why he returned his copy of Magistrate Judge Boland's order to the Court.

Mr. Bodison has failed within the time allowed either to pay the initial partial filing fee or to show cause why he is unable to pay the initial partial filing fee. Therefore, the complaint and the action will be dismissed.

Furthermore, 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 also must 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 because Plaintiff failed within the time allowed either to pay the initial partial filing fee or to show cause why he has no assets and no means by which to pay the initial partial filing fee. It is

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

DATED at Denver, Colorado, this 20<sup>th</sup> day of January, 2012.

BY THE COURT:

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