

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00022-BNB

HOOVER REYNOLDS,

Plaintiff,

v.

H. MICHAEL LUCKENBAUGH,
CLEMENT P. ENGLE,
EL PASO COUNTY COURT OF COLORADO, and
THE STATE OF COLORADO OFFICE OF THE ATTORNEY GENERAL,

Defendants.

ORDER OF DISMISSAL

On February 23, 2012, the Court denied Plaintiff leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in this action because he is subject to the filing restriction in § 1915(g). The Court also ordered Plaintiff to pay the entire \$350.00 filing fee within thirty days if he wishes to pursue his claims in this action. The Court warned Plaintiff that the action would be dismissed without further notice if he failed to pay the filing fee within thirty days.

Plaintiff has failed to pay the filing fee within the time allowed and he has failed to communicate with this Court in any way since the Court denied him leave to proceed *in forma pauperis* on February 23. Therefore, the action will be dismissed for failure to pay the filing fee.

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 to pay the filing fee as directed. It is

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

DATED at Denver, Colorado, this 3rd day of April, 2012.

BY THE COURT:

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