

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00345-BNB

GABRIELE GUNDLACH,

Plaintiff,

v.

PEOPLE OF THE STATE OF COLORADO, et al.,  
CITY AND COUNTY OF BOULDER, CO.,  
JEFF CAHN,  
DAVID ARCHULETA,  
KAROLYN VAL QUEVLI, and  
JUDICIAL COURTS OF STATE OF COLORADO, Also Traded as Boulder County  
Court/Boulder,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Gabriele Gundlach, initiated this action by filing *pro se* a Petition in the Form of a Motion for Emergency Stay of Boulder County Court Cases 10M2938, 11M1753, 11M858 for Reasons of Identity Theft and Fraud and Violations of Defendants Federal Protected Rights (ECF No. 1). On February 29, 2012, Ms. Gundlach filed a second Petition in the Form of a Motion for Emergency Stay of Boulder County Court Cases 10M2938, 11M1753, 11M858 for Reason of Identity Theft and Fraud and Violations of Defendants Federal Protected Rights (ECF No. 8) that appears to be substantively identical to the original pleading. On March 21, 2012, Ms. Gundlach filed on the proper form a Prisoner Complaint (ECF No. 13) and a third Petition in the Form of a Motion for Emergency Stay of Boulder County Court Cases 10M2938,

11M1753, 11M858 for Reason of Identity Theft and Fraud and Violations of Defendants Federal Protected Rights (ECF No. 11).

On March 26, 2012, Magistrate Judge Boyd N. Boland entered an order directing Ms. Gundlach to file an amended Prisoner Complaint that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Ms. Gundlach was warned that the action would be dismissed without further notice if she failed to file an amended Prisoner Complaint within thirty days.

On April 4, 2012, Ms. Gundlach filed a fourth Petition in the Form of a Motion for Emergency Stay of Boulder County Court Cases 10M2938, 11M1753, 11M858 for Reason of Identity Theft and Fraud and Violations of Defendants Federal Protected Rights (ECF No. 16). On April 16, 2012, Ms. Gundlach filed a Motion for a Change of Venue (ECF No. 17) asking to have this case transferred to the United States Supreme Court. On April 17, 2012, Magistrate Judge Boland entered a minute order denying the Motion for a Change of Venue.

Ms. Gundlach has failed to file an amended Prisoner Complaint within the time allowed. Therefore, the action will be dismissed without prejudice for failure to file an amended complaint as directed.

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 she 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 Prisoner Complaint and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Ms. Gundlach failed to file an amended complaint as directed. It is

FURTHER ORDERED that the pending motions and petitions are denied as moot. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied without prejudice to the filing of a motion seeking leave to proceed *in forma pauperis* on appeal in the United States Court of Appeals for the Tenth Circuit.

DATED at Denver, Colorado, this 4<sup>th</sup> day of May, 2012.

BY THE COURT:

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