

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00498-BNB

RONALD G. MILLER,

Plaintiff,

v.

OFFICER CHRISTOPHER DOUGLAS, and
CAPTAIN WENDT,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Ronald G. Miller, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the correctional facility in Limon, Colorado. Mr. Miller initiated the instant action by filing *pro se* a prisoner complaint (ECF No. 1) pursuant to 42 U.S.C. § 1983 for money damages. On March 19, 2012, Magistrate Judge Boyd N. Boland entered an order (ECF No. 6) granting him leave to proceed pursuant to 28 U.S.C. § 1915, and directing him, within thirty days, either to pay a \$26.00 initial partial filing fee or to show cause why he has no assets and no means by which to pay the designated initial partial filing fee. The March 19 order informed Mr. Miller that, in order to show cause, he must file a certified copy of his trust fund account statement.

Mr. Miller has failed, within the time allowed, to pay the initial partial filing fee, show cause as directed why he is unable to do so, or otherwise communicate with the Court in any way. Therefore, the complaint and the action will be dismissed.

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 Mr. Miller files a notice of appeal he also must pay the full \$455.00 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 (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Ronald G. Miller, to comply with the directives of the order of March 19, 2012 (ECF No. 6), and for his failure to prosecute. It is

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

DATED at Denver, Colorado, this 27th day of April, 2012.

BY THE COURT:

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