

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00527-BNB

PEGGY MILLER,

Plaintiff,

v.

AMERICAN BLUE RIBBON HOLDINGS, LLC,
DAN RADABAUGH,
JENNIFER MCCATTERY
THOMAS BANDY,
SCOTTY JEANKENS,
JENNIFER CHEMIELEWSKI,
MICHELLE MCPHERSON, and
JESSE PETROCELLI,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Peggy Miller, filed *pro se* an amended Title VII Complaint (ECF No. 5) together with a copy of the Dismissal and Notice of Rights issued by the Equal Employment Opportunity Commission. She has been granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 (ECF No. 6).

On April 12, 2012, Magistrate Judge Boyd N. Boland ordered (ECF No. 7) Ms. Miller to file within thirty days a second amended Title VII Complaint that complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure and sued the proper parties. The April 12 order warned Ms. Miller that, if she failed to file the second amended Title VII Complaint as directed within the time allowed, the amended Title VII Complaint and the action would be dismissed without further notice.

Ms. Miller has failed, within the time allowed, to file the second amended Title VII Complaint as directed, or otherwise to communicate with the Court in any way.

Therefore, the amended 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 Ms. Miller files a notice of appeal she 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 amended Title VII Complaint (ECF No. 5) and the action are dismissed without prejudice pursuant to Rules 8 and 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Peggy Miller, to file a second amended Title VII Complaint that complies with the pleading requirements of Rule 8 and the directives of the order of April 12, 2012, and for her failure to prosecute. It is

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

DATED at Denver, Colorado, this 23rd day of May, 2012.

BY THE COURT:

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