

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00943-BNB

ALTHEA BARNHILL-STEMLEY,

Plaintiff,

v.

SOCIAL SECURITY ADMIN.,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Althea Barnhill-Stemley, initiated this action by filing *pro se* a Complaint (ECF No. 1) that was not signed and did not include any claims for relief. On April 11, 2012, Magistrate Judge Boyd N. Boland entered an order directing Ms. Barnhill-Stemley to cure these and other deficiencies. On May 7, 2012, in response to Magistrate Judge Boland's April 11 order, Ms. Barnhill-Stemley filed an amended Complaint (ECF No. 5) and cured the other deficiencies. On May 11, 2012, Magistrate Judge Boland entered an order directing Ms. Barnhill-Stemley to file a second amended complaint that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Ms. Barnhill-Stemley was warned that the action would be dismissed without further notice if she failed to file a second amended complaint within thirty days.

On June 11, 2012, apparently in response to Magistrate Judge Boland's May 11 order, Ms. Barnhill-Stemley submitted to the Court for filing a set of documents that includes letters from attorneys regarding legal representation with respect to a Social

Security disability claim. On June 12, 2012, Magistrate Judge Boland entered a minute order advising Ms. Barnhill-Stemley that the documents did not satisfy the order directing her to file a second amended complaint and granting Ms. Barnhill-Stemley an additional thirty days to submit a second amended complaint on the court-approved form. Ms. Barnhill-Stemley again was advised that the action would be dismissed without further notice if she failed to file a second amended complaint within the time allowed.

Ms. Barnhill-Stemley has failed to file a second amended complaint within the time allowed. Therefore, the action will be dismissed without prejudice for failure to comply with a court order.

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 Complaint, the amended Complaint, and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Ms. Barnhill-Stemley failed to comply with a court order. 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 19th day of July, 2012.

BY THE COURT:

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