

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01153-BNB

JOHN J. STAPLETON,

Plaintiff,

v.

T.J. RIX,
TERE HAYWARD, Co agent of T.J. Rix and John or Jane Doe,
supervisor of T.J. Rix,
MESA COUNTY OF COLORADO CODE COMPLIANCE SERVICE,
MESA COUNTY STATE OF COLORADO,
STATE OF COLORADO ATTORNEY GENERAL, John Suthers, and
TONY PIOTROWSKI,

Defendants.

ORDER OF DISMISSAL

Plaintiff, John J. Stapleton, initiated this action by filing a *pro se* Complaint and Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on May 2, 2012. He has been granted leave to proceed *in forma pauperis*.

On May 4, 2012, Magistrate Judge Boyd N. Boland determined that the Complaint was deficient because it was illegible and because it failed to comply with Rule 8 of the Federal Rules of Civil Procedure. Accordingly, Mr. Stapleton was directed to file an amended complaint within thirty (30) days. The May 4 Order warned Plaintiff that failure to submit an amended complaint by the court-ordered deadline would result in dismissal of this action without further notice.

Mr. Stapleton has not filed an amended complaint as directed by the May 4, 2012 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 he must also 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 this action are dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for the failure of Plaintiff, John J. Stapleton, to comply with the Court's May 4, 2012 Order Directing Plaintiff to File Amended Complaint and for failure to comply with Rule 8 of the Federal Rules of Civil Procedure. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied. Mr. Stapleton may file a motion in the United States Court of Appeals for the Tenth Circuit.

DATED at Denver, Colorado, this 13th day of June, 2012.

BY THE COURT:

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