

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01380-BNB

KEITH BODNER,

Plaintiff,

v.

PHYLLIS MONDRAGON, Individually,
KRISTA DANN, Individually, and
STATE OF COLORADO DEPARTMENT OF HUMAN SERVICES, DIVISION OF
VOCATIONAL REHABILITATION,

Defendants.

ORDER OF DISMISSAL

On May 31, 2012, Magistrate Judge Boyd N. Boland entered an order directing Plaintiff, Keith Bodner, to file an amended pleading that is on the proper court-approved Complaint form that includes an address for each named Defendant and complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Mr. Bodner was warned that the action would be dismissed without further notice if he failed to file an amended pleading within thirty days.

Mr. Bodner has failed to file an amended pleading within the time allowed and he has failed to respond in any way to Magistrate Judge Boland's May 31 order. 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 he 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 and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Bodner 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 11th day of July, 2012.

BY THE COURT:

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