

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01388-BNB

ANTOINE JONES,

Plaintiff,

v.

WARDEN CHARLES DANIEL,
WARDEN BLAKE R. DAVIS,
WARDEN SARA M. REVELL,
WARDEN J. M. WILNER,
A.W. J. C. HOLLAND,
MAILROOM SUPERVISOR, Unknown Name, and
MAILROOM STAFF, Unknown Name,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Antoine Jones, a *pro se* prisoner litigant, currently is held at the Central Detention Facility in Washington, D.C. On July 5, 2012, the Court denied Mr. Jones leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(g) because he has filed at least three actions that were dismissed for failure to state a claim and he has failed to set forth specific allegations in this action of ongoing serious physical injury or a pattern of misconduct evidencing the likelihood of imminent serious physical injury.

The Court instructed Mr. Jones to pay the entire \$350.00 filing fee within thirty days if he wished to pursue his claims in this action. The Court warned Mr. Jones that if he failed to pay the filing fee within thirty days the Complaint and the action would be dismissed.

On July 19, 2012, Mr. Jones filed a Notice of Appeal with the Tenth Circuit Court of Appeals challenging this Court's order denying his request to proceed pursuant to 28 U.S.C. § 1915. He now has failed to pay the filing fee within the time allowed. The Complaint and the action, therefore, will be dismissed.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order or the Court's July 5, 2012 Order, ECF No. 9, is not 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). Mr. Jones 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 Fed. R. Civ. P. 41(b) because Mr. Jones failed to pay the \$350.00 filing fee in full within the time allowed. It is

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

DATED at Denver, Colorado, this 10th day of August, 2012.

BY THE COURT:

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