

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01814-BNB

FRANKIE L. MCCONNELL,

Plaintiff,

v.

CHRISTINE ALFONSO,

Defendant.

---

ORDER OF DISMISSAL

---

Plaintiff, Frankie L. McConnell, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Denver Women's Correctional Facility. Ms. McConnell filed *pro se* a Prisoner Complaint pursuant to 42 U.S.C. § 1983. Ms. McConnell has been granted leave to proceed pursuant to 28 U.S.C. § 1915 without payment of an initial partial filing fee.

On August 10, 2012, Magistrate Judge Craig B. Shaffer directed Mr. McConnell to file within thirty days an amended complaint that asserted conditions-of-confinement claims appropriate in a § 1983 action, complied with Rule 8 of the Federal Rules of Civil Procedure, and asserted the personal participation of each named Defendant. The August 10 order warned Ms. McConnell that, if she failed to file an amended complaint as directed within the time allowed, the complaint and the action would be dismissed without further notice.

Ms. McConnell has failed, within the time allowed, to comply with the August 10

order, or otherwise to communicate with the Court in any way. Therefore, the 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. McConnell 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 complaint 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, Frankie L. McConnell, to comply with the pleading requirements of Rule 8 and the directives of the order of August 10, 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 19<sup>th</sup> day of September, 2012.

BY THE COURT:

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