

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02483-BNB

KPODON PATTERSON,

Plaintiff,

v.

SAINT JOSEPH'S HOSPITAL,
SISTERS OF CHARITY LEAVENWORTH,
SISTERS OF CHARITY HEALTH SYSTEM,
EXEMPLA HEALTH CARE, and
KAISER PERME,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Kpodon Patterson, initiated this action by filing *pro se* a Complaint. On September 19, 2012, Magistrate Judge Boyd N. Boland entered an order directing Mr. Patterson to file an amended complaint that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Mr. Patterson was warned that the action would be dismissed without further notice if he failed to file an amended complaint within thirty days. On October 19, 2012, Magistrate Judge Boland entered a minute order granting Mr. Patterson an extension of time until November 19, 2012, to file an amended complaint as directed. On November 19, 2012, Magistrate Judge Boland entered a minute order granting Mr. Patterson an extension of time until December 21, 2012, to file an amended complaint as directed.

Mr. Patterson has failed to file an 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 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. Patterson 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 9th day of January, 2013.

BY THE COURT:

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