

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02668-BNB

TRAVIS HODSON,

Plaintiff,

v.

DISTRICT COURT,
CATHERINE WALKER,
KAREN SALEZ,
JAMES R. HARTMAN,
KENNETH R. BUCK,
KEVIN NELAN,
JOHN COOKE,
ROBYN JUBA,
ESPERANZA ORTIZ,
GABE REIMER, and
THOMAS JAMES QUAMMEN,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Travis Stewart Hodson, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the correctional facility in Buena Vista, Colorado. Mr. Hodson initiated this action by filing *pro se* a civil rights complaint asserting claims pursuant to 42 U.S.C. § 1983 that his rights to due process and to be free of cruel and unusual punishment under the United States Constitution had been violated. He paid the \$350.00 filing fee.

On November 6, 2012, Magistrate Judge Boyd N. Boland ordered Mr. Hodson to file within thirty days an amended complaint that complied with the pleading

requirements of Rule 8 of the Federal Rules of Civil Procedure, sued the proper parties, asserted the personal participation of each named defendant, and did not assert habeas corpus claims challenging the validity of his conviction or sentence. Magistrate Judge Boland warned Mr. Hodson that, if he failed to comply with the November 6 order within the time allowed, the complaint and the action would be dismissed without further notice.

Mr. Hodson has failed, within the time allowed, to comply with the November 6 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 Mr. Hodson files a notice of appeal he 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, Travis Hodson, to comply with the pleading requirements of Rule 8 and the directives of the order of November 6, 2012, and for his failure to prosecute. It is

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

FURTHER ORDERED that any pending motions are denied as moot.

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

BY THE COURT:

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