

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02913-BNB

GWENDOLYN PHILLIPS,

Plaintiff,

v.

NO DEFENDANTS NAMED,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Gwendolyn Phillips, is in the custody of the Colorado Department of Corrections and currently is housed at the Colorado Mental Health Institute in Pueblo, Colorado. Plaintiff, acting *pro se*, initiated this action by filing a Letter with the Court. In an order entered on November 5, 2012, Magistrate Judge Boyd N. Boland instructed Plaintiff to cure certain deficiencies if she wished to pursue her claims. Specifically, Magistrate Judge Boland instructed Plaintiff to file her claims on a Court-approved form used by plaintiffs detained at a state facility and either to submit a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, along with a certified trust fund account statement, or in the alternative pay the \$350.00 filing fee in full

Magistrate Judge Boland warned Plaintiff that the action would be dismissed without further notice if she failed to cure the deficiencies within thirty days. Plaintiff has failed to communicate with the Court and as a result has failed to cure the deficiencies within the time allowed. Therefore, the action will be dismissed.

The Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order 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). If Plaintiff files a notice of appeal she 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 action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure all deficiencies and for failure to prosecute. It is

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

DATED at Denver, Colorado, this 12th day of December, 2012.

BY THE COURT:

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