

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02972-CBS

MARQUISE D. HARRIS,

Plaintiff,

v.

THE CITY & COUNTY OF DENVER,
DENVER SHERIFF'S,
DENVER DEPARTMENT OF SAFETY,
RAYMOND N. SATTER, and
CLERK KIM,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Marquise D. Harris, initiated this action by filing *pro se* a Complaint. On November 15, 2012, Magistrate Judge Craig B. Shaffer entered an order directing Mr. Harris to file an amended complaint that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Mr. Harris was warned that the complaint and the action would be dismissed without further notice if he failed to file an amended complaint within thirty days.

On November 29, 2012, the copy of Magistrate Judge Shaffer's November 15 order that was mailed to Mr. Harris at the address he provided was returned to the Court undelivered. The returned envelope (ECF No. 9) includes a stamp or sticker that reads "RETURN TO SENDER, ATTEMPTED – NOT KNOWN, UNABLE TO FORWARD." Two other orders entered in this action, which were mailed to the same

address, also were returned to the Court undelivered on November 29, 2012. (See ECF Nos. 7 & 8.)

Pursuant to Rule 10.1M. of the Local Rules of Practice of the United States District Court for the District of Colorado-Civil, a party must file a notice of new address within five days of any change of address. Mr. Harris has failed to comply with the Court's local rules and, as a result, he has failed within the time allowed to file an amended complaint as directed. Therefore, the complaint and the action will be dismissed.

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 Plaintiff failed within the time allowed to file an amended complaint as directed. 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 28th day of December, 2012.

BY THE COURT:

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