

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03122-BNB

ATANASIO ARECHIGA-MENDOZA,

Plaintiff,

v.

NO DEFENDANTS NAMED,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Atanasio Arechiga-Mendoza, currently is detained at the Denver County Jail in Denver, Colorado. Plaintiff, acting *pro se*, initiated this action by submitting a Letter to the Court challenging the conditions of his confinement. In an order entered on December 2, 2012, Magistrate Judge Boyd N. Boland instructed Plaintiff to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland instructed Plaintiff to file his claims on a Court-approved form used by plaintiffs detained at a jail facility and 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.

Magistrate Judge Boland warned Plaintiff that the action would be dismissed without further notice if he 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 he 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 11th day of January, 2013.

BY THE COURT:

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