

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03345-BNB

ARTHUR J. MOORE,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Arthur J. Moore, is a prisoner in the custody of the Colorado Department of Corrections. Mr. Moore initiated this action by filing *pro se* a document titled “Injunction” (ECF No. 1), which was docketed as a motion for injunctive relief, in which he seeks judicial relief concerning the conditions of his confinement. On January 8, 2013, Magistrate Judge Boyd N. Boland entered an order directing Mr. Moore to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Moore to file a Prisoner Complaint and either to pay the \$350.00 filing fee or to file a properly supported Prisoner’s Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Mr. Moore was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Moore has failed to cure the deficiencies within the time allowed and he has failed to respond in any way to Magistrate Judge Boland’s January 8 order. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies.

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 motion for injunctive relief (ECF No. 1) is denied and the action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Moore failed to cure the deficiencies 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 14th day of February, 2013.

BY THE COURT:

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