

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00120-BNB

ANGELA BURNETT,

Plaintiff,

v.

EXTRA SPACE MANAGEMENT, INC.,
SPENCER KIRK (CEO),
MARK STANKE (DVP),
JEFFERY NORTON (HR),
KENNETH CARLOUGH (DM), and
SALLY NEWTON,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Angela Burnett, filed *pro se* a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3) and a Title VII Complaint (ECF No. 1). On January 24, 2013, Magistrate Judge Boyd N. Boland granted Mr. Burnett leave to proceed pursuant to 28 U.S.C. § 1915 and directed her to file within thirty days an amended Title VII Complaint that sued proper parties; provided each named Defendant's address; included a copy of her notice-of-right-to-sue letter, if available; and complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure.

Magistrate Judge Boland warned Ms. Burnett that the Title VII Complaint and the action would be dismissed without further notice if she failed within the time allowed to file an amended Title VII Complaint that complied with the January 24 order. Ms.

Burnett has failed within the time allowed to comply with the January 24 order or otherwise to communicate with the Court in any way. Therefore the Title VII 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 Ms. Burnett files a notice of appeal she 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 Title VII Complaint (ECF No. 1) 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, Angela Burnett, to file an amended Title VII Complaint that complies with the pleading requirements of Rule 8 and the directives of the order of January 24, 2013 (ECF No. 4), and for her 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 4th day of March, 2013.

BY THE COURT:

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