

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00172-BNB

STEVIE BROWN,

Petitioner,

v.

PEOPLE OF THE STATE OF COLORADO,

Respondent.

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ORDER OF DISMISSAL

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Petitioner, Stevie Brown, initiated this action by filing *pro se* a Motion for Injunctive Relief (ECF No. 1) and an Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 3). On January 25, 2013, Magistrate Judge Boyd N. Boland entered an order directing Mr. Brown to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland directed Mr. Brown to file a Complaint and to file an amended motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 on the proper form. Mr. Brown was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On February 11, 2013, Mr. Brown filed on the proper form a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 5). However, he has not filed a Complaint within the time allowed. Therefore, the action will be dismissed without prejudice for failure to cure all of 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 Petitioner 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. Brown failed to cure all of the deficiencies as directed. It is

FURTHER ORDERED that the Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 3) and the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 5) are denied as moot. 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 1<sup>st</sup> day of March, 2013.

BY THE COURT:

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