

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00199-BNB

JAMES P. GLASSEY,

Plaintiff,

v.

[NO DEFENDANTS NAMED],

Defendants.

ORDER OF DISMISSAL

Plaintiff, James P. Glassey, initiated this action by filing *pro se* a letter to the Court (ECF No. 1) seeking to be released from the nursing home in which he lives. On January 28, 2013, Magistrate Judge Boyd N. Boland entered an order directing Mr. Glassey to cure certain deficiencies if he wished to pursue any claims in this Court. Specifically, Magistrate Judge Boland ordered Mr. Glassey to file a Complaint and either to pay the \$350.00 filing fee or to file a properly supported Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Mr. Glassey was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Glassey 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 28 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 action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Glassey 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 5th day of March, 2013.

BY THE COURT:

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