

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00254-BNB

JAMES PACHOKAS,

Plaintiff,

v.

[NO NAMED DEFENDANTS],

Defendants.

ORDER OF DISMISSAL

Plaintiff, James Pachokas, currently is detained at the Weld County Jail in Greeley, Colorado. Plaintiff, acting *pro se*, initiated this action by filing a one-page statement challenging the conditions of his confinement. In an order entered on February 1, 2013, Magistrate Judge Boyd N. Boland instructed Plaintiff to file his claims on a Court-approved form used in filing prisoner complaints. Magistrate Judge Boland also instructed Plaintiff to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form.

Magistrate Judge Boland warned Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. On February 6, 2013, rather than comply with the February 1 Order Plaintiff filed a Letter and stated that he did not understand Magistrate Judge Boland's February 1 Order. Magistrate Judge Boland entered a Minute Order on February 6 explaining with specificity what

Plaintiff was expected to file. Subsequently, Plaintiff filed two Court-approved forms used in requesting leave to proceed pursuant to § 1915. One of the forms is used when filing a complaint and the other is used when filing a habeas corpus action. Plaintiff then filed a “Motion to Challenge Const. Rights” and two additional Letters. The Motion and the Letters are not responsive to Magistrate Judge Boland’s February 1 Order. The February 1 Order and the February 6 Minute Order were clear about what Plaintiff was to do to cure the deficiencies in his filings. Plaintiff, however, did not comply with either order requiring that he file his claims on a Court-approved form. Plaintiff, therefore, has failed to comply with the February 1 Order within the time allowed, and 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. It is

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 12th day of March, 2013.

BY THE COURT:

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