

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00412-BNB

SOLOMON BOWENS,

Plaintiff,

v.

[NO NAMED DEFENDANT],

Defendant.

ORDER OF DISMISSAL

Plaintiff, Solomon Bowens, currently is incarcerated at the Denver County Jail. He attempted to initiate the instant action by submitting *pro se* a letter titled “Formal and direct (Notice) Letter of Intent” (ECF No. 1). The Court reviewed the document and determined it was deficient. Therefore, on February 19, 2013, Magistrate Judge Boyd N. Boland entered an order (ECF No. 3) directing Mr. Bowens to cure certain enumerated deficiencies in the case within thirty days if he wished to pursue his claims.

The February 19 order pointed out that Mr. Bowens failed to submit either the \$350.00 filing fee or a Prisoner’s Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on the proper, Court-approved form, i.e., the current form revised October 1, 2012, with an authorization and certificate of prison official, together with a certified copy of his trust fund account statement for the six-month period immediately preceding this filing obtained from the appropriate prison official. The February 19 order also pointed out that Mr. Bowens failed to submit a Prisoner Complaint. The order

directed him to obtain, with the assistance of his case manager or the facility's legal assistant, the Court-approved forms for filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint. The February 19 order warned Mr. Bowens that the action would be dismissed without prejudice and without further notice if he failed to cure the designated deficiencies within thirty days.

On March 21, 2013, Mr. Bowens submitted a document titled "Subpoena Dueces [sic] Tecum (ECF No. 4). However, he has failed to cure the designated deficiencies within the time allowed. Therefore, the action will be dismissed without prejudice for Mr. Bowen's failure to cure the designated deficiencies as directed within the time allowed.

Finally, the Court certifies pursuant to § 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 Mr. Bowens files a notice of appeal he 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 action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Solomon Bowens to cure the deficiencies designated in the order to cure of February 19, 2013, within the time allowed. 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 29th day of March, 2013.

BY THE COURT:

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