

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00559-BNB

KEITH JUDD,

Plaintiff,

v.

BARACK OBAMA,
SECRETARY OF STATE OF COLORADO, et al., and
DEMOCRATIC PARTY OF COLORADO,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Keith Judd, is a prisoner in the custody of the United States Bureau of Prisons at a federal prison in Texarkana, Texas. Mr. Judd initiated this action by filing *pro se* a document (ECF No. 1) in which he appeared to be seeking judicial relief. The instant action was commenced and, on March 5, 2013, Magistrate Judge Boyd N. Boland entered an order directing Mr. Judd to cure certain deficiencies if he wished to pursue any claims in this Court. Specifically, Magistrate Judge Boland directed Mr. Judd to file a Prisoner Complaint and either to pay the \$350.00 filing fee or to file a properly supported motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Mr. Judd was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On March 18, 2013, Mr. Judd filed a Complaint for Declaratory Judgment (ECF No. 4) and a Motion for Waiver of Fees (ECF No. 5). However, Mr. Judd has failed to

cure the deficiencies within the time allowed because he has failed to file a Prisoner Complaint on the proper form and he has failed either to pay the \$350.00 filing fee or to file on the proper form a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Mr. Judd also has failed to submit a certified copy of his inmate trust fund account statement as directed and as required pursuant to § 1915(a)(2), and he has failed to submit an authorization to calculate and disburse filing fee payments as directed. 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 complaint and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Judd failed to cure the deficiencies as directed. It is

FURTHER ORDERED that the Motion for Waiver of Fees (ECF No. 5) is 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 11th day of April, 2013.

BY THE COURT:

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