

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00690-BNB

GRETCHEN NIGHTINGALE,

Plaintiff,

v.

SOCIAL SECURITY ADMINISTRATION,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Gretchen Nightingale, initiated this action by filing *pro se* a Complaint (ECF No. 1) and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3). The § 1915 motion was granted.

On March 20, 2013, Magistrate Judge Boyd N. Boland ordered Ms. Nightingale to file within thirty days an amended Complaint that sued the proper defendant, asserted claims and the basis for this Court's jurisdiction, and complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Magistrate Judge Boland warned Ms. Nightingale that if she failed to file an amended Complaint on the proper, Court-approved form that complied with the March 20 order within the time allowed, the Complaint and the action would be dismissed without further notice.

Ms. Nightingale has failed to file an amended Complaint as directed in the March 20 order, or otherwise communicate with the Court in any way within the time allowed. Therefore, the Complaint and the action will be dismissed for Ms. Nightingale's failure to

file an amended Complaint as directed within the time allowed and failure to prosecute.

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 Ms. Nightingale files a notice of appeal she 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 Complaint (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Gretchen Nightingale, within the time allowed, to file an amended Complaint as directed in the order of March 20, 2013 (ECF No. 4), and for her failure to prosecute. 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 25th day of April, 2013.

BY THE COURT:

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