

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00730-BNB

JONATHAN DAVID D. SCHMIER, and  
TRISTA ANNE SCHMIER,

Plaintiffs,

v.

EXPERIAN INFORMATION SOLUTIONS, INC.,  
EQUIFAX INFORMATION SERVICES, LLC, and  
TRANS UNION CORP.,

Defendants.

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ORDER OF DISMISSAL

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Plaintiffs, Jonathandavid D. Schmier and Trista Anne Schmier, initiated this action by filing *pro se* a Complaint (ECF No. 1). On March 21, 2013, Magistrate Judge Boyd N. Boland entered an order directing Plaintiffs to cure certain deficiencies if they wished to pursue any claims in this Court. Specifically, Magistrate Judge Boland ordered Plaintiff's to file an amended pleading that is signed by both Plaintiffs and either to pay the \$350.00 filing fee or to file individual motions seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiffs were warned that any Plaintiff who failed to cure the designated deficiencies within thirty days would be dismissed as a party to this action without further notice.

Neither Plaintiff has cured the deficiencies within the time allowed, and neither has responded in any way to Magistrate Judge Boland's March 21 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 either 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 (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Plaintiffs 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 25<sup>th</sup> day of April, 2013.

BY THE COURT:

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