

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00784-BNB

KYLE LEE HOUSTON, Persona Sui Juris, a/k/a Delihue III-Hebrew Masionic Jew of the
Israel Nation,

Plaintiff,

v.

GOVERNOR JOHN HICKENLOOPER,
MAYOR MICHAEL HANCOCK,
ATTORNEY GENERAL JOHN SUTHERS,
DISTRICT COURT JUDGES OF 5-G, 5-C, 5-A, DENVER,
COLO COURT OF APPEALS JUDGES,
COLO SUPREME CT. ATT. REGULATION COUNSEL JOHN S. GLEASON,
COLO SUPREME CT. ATT. REGULATION ASST. COUNSEL STEPHEN R.
FATIZINGER,
DENVER HEALTH DIR. DR. GONZALES,
DENVER HEALTH/D.C.J./SHERIFF DEPT. PSYCHIATRIST WESTLANDMORE,
DENVER HEALTH/D/C/J/ PSYCHIATRIST GAVFERN,
DENVER HEALTH/D.C.J. PSYCHIATRIST FOX,
DENVER HEALTH/D.C.J. RN K. MAIHU,
DENVER HEALTH/D.C.J. DR. CRUMM,
ATTORNEY BRICE TONDRE A. P.C.,
PUBLIC DEFENDERS OFF. CHRISTOPHER J. BAUMANN,
PUBLIC DEFENDERS OFF. ROBERT EDWARD HALPERN,
M.H.C.D. C.E.O. CARL CLARK MD,
M.H.C.D. M.D. CHERYL CLARK,
M.H.C.D. PSYCHIATRIST JOHN CEILLEY,
M.H.C.D. CONSUMER ADVOCATE STEPHEN A. BAUMER,
M.H.C.D. CASE MANAGER ALEX MORGAN,
COLO ACCESS DIR. REYNA GARCIA,
COLO ACCESS VERONIC RODRIGUEZ,
COLO ACCESS CASE MANAGER SANDRA,
COLO ACCESS CASE MANAGER HAZZEL,
PINNACOL ASSURANCE CLAIMS REP. MYRNA VALENCIA,
C.D.O.C. EXECUTIVE DIR THOMAS L. CLEMENTS,
C.D.O.C. DIR. ASST. GINA GARRDO,
C.D.O.C. DIR. ASST. KELLY,
C.D.O.C. CHIEF INVESTIGATOR JAY L. KIRBY,
C.D.O.C. CRIMINAL INVESTIGATION VICTORIA ETTERER,
C.D.O.C. CONSTITUENT SERVICES DEPT. ADRIENNE HERRERA,

C.D.O.C. TIM COMPUTATION ISSUES MARY CARLSON,
C.D.O.C. C.M.O. KELLY WASO,
C.D.O.C. MEDICAL ISSUES RENEE JORDAN,
C.D.O.C. OFFENDER TRANSPORTATION ISSUES LOU ARCHULETA,
C.D.O.C. H.S.A. DIR. MICHELL NELSON,
C.D.O.C. PAROLE BOARD DR. YOUNG,
C.D.O.C. PAROLE BOARD WATERS,
C.D.O.C. LINCOLN PAROLE DEPT. CHIEF TIM HAND,
C.D.O.C. LINCOLN PAROLE DEPT. REGIONAL ASST. DIR. ERIC HOLZWARTH,
C.D.O.C. LINCOLN PAROLE DEPT. SUPERVISOR WESLEY ALLEN,
C.D.O.C. LINCOLN PAROLE DEPT. TEA, LEADER SARA PHELPS,
C.D.O.C. LINCOLN PAROLE DEPT. PAROLE OFFICER MIKE PASCO,
C.D.O.C. LINCOLN PAROLE DEPT. PAROLE OFFICER RYAN CORYELL,
C.D.O.C. LINCOLN PAROLE DEPT. PAROLE OFFICER SUZANNE JANGCLAUS,
U.P.S. UNITED PARCEL SERVICES,
LIBERTY MUTUAL INSURANCE SANDY GOLDBERG,
LEE & KINDER, LLC. KATHERINE MARKHEIM LEE ESQ. 2400411,
LEE & KINDER, LLC. JOSEPH GREN W. 41144#,
ATTORNEY ROBERT COHEN,
DENVER POLICE DEPT. C.E.O. WHITE,
DEN. VAN CISE-SIMONET DETENTION C.E.O. WILLSON,
D.C.J. CAPTAIN KAPOLOF,
D.C.J. SERGEANT JURRANIC,
D.C.J. SERGEANT SHANNON,
D.C.J. C.O. SHANNON,
D.C.J. C.O. VALDEZ,
D.R.D.C. WARDEN ZALVISLAN,
D.R.D.C. H.S.A. MENTAL DEPT. DIAPIAZ,
D.R.D.C. PSYCHIATRIST JOHNSON,
D.R.D.C. PSYCHIATRIST BATY,
D.R.D.C. PSYCHOLOGIST FRITGERALD,
D.R.D.C. PSYCHOLOGIST SCOTT BANKS,
D.R.D.C. PSYCHOLOGIST WOODS,
D.R.D.C. M.D. ELLIS,
D.R.D.C. PROGRAMMER WOODS,
D.R.D.C. CASE MANAGER PRIEST,
S.C.C.F. WARDEN ZUPAN,
S.C.C.F. H.S.A. ROBIN PHILLIPS,
S.C.C.F. JOAN KONPRINKAR C.E.O., Psychiatrist of etc. al C.D.O.C. Facilities,
S.C.C.F. PSYCHIATRIST ROWLAND,
S.C.C.F. PHYSICIAN ASSISTANT/NURSE SHARON PHILLIPS,
S.C.C.F. HEAD CASE MANAGER CHISTIE MOORE,
S.C.C.F. CASE MANAGER HOCOMB,
S.C.C.F. LEGAL ASSISTANT CINDTHA SMITH,
ATTORNEY GENERAL ASSISTANT JAMES QUINN,

ATTORNEY GENERAL ASSISTANT SUSAN HUSS,
C.D.O.C. OFFICE OF LEGAL SERVICES A.D.A. AIC JULIE RUSSELL,
C.D.O.C. EXECUTIVE DIR. TONI CAROCHI,
C.D.O.C./S.C.C.F. DIR. LARRY REED,
S.C.C.F. CAPTAIN HAROMELO,
S.C.C.F. LT. BISHOP,
S.C.C.F. LT. LONG,
S.C.C.F. SERGEANT SANISTEVONS,
S.C.C.F. CO. MARTINEZ,
S.C.C.F. CO. IMENEZ,
S.C.C.F. SHAD WILLIAM SARLOR 89837#,
S.C.C.F. WOOD STOCK 116191#,
S.C.C.F. SHAWN DIXON 153876#,
S.C.C.F. DRAKE 99057#,
S.C.C.F. SERGEANT 3 FLR. ASONO,
S.C.C.F. CO. BEECH,
S.C.C.F. CO. GEORGE,
S.C.C.F. LT. HASUI,
S.C.C.F. M.S.W. LCSW ANDREA BONINO,
S.C.C.F. MAJOR OWENS,
S.C.C.F. TAMMY LABORDE, M.A., LPC, NCC,
ROSE MEDICAL CENTER - EMERG. DEPT. CRAIG SUMMERS M.D. 35478#,
DEPARTMENT OF SAFETY MANAGER ALEX MARTINEZ,
S.C.C.F. CAPTAIN VALORDO,
L.V.C.F. CO. WOLF,
S.C.C.F. CASE MANAGER LUCERO CANNON,
S.C.C.F. CASE MANAGER HALRADO,
S.C.C.F. PROPERTY CO. TRUILLIO,
LOWERY AIR FORCE BASE GENERAL SAMUEL REGAN BUSH-DEAN-HOUSTON-
CRAWFORD BERZOZA RAYIES DELIHUE ELKS SKULL NIGHT TEMPLER,
and
ROSE-BUD, EASTERN WILLIE MAIES ELLA, SECOND MASIONIC HOUSTON-
LYNNS-ZOORIAH-JENKIN, MARTINE LAVATOS-CUBAN-ARIBIAN-VIRGIN
ISLAND, PANAMA CANAL-EGYPT-DELIHUE-TEMPLETS,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Kyle Lee Houston, is a prisoner in the custody of the Colorado
Department of Corrections. Mr. Houston initiated this action by filing *pro se* a document

(ECF No. 1) in which he appeared to contend that his constitutional rights were violated. The instant action was commenced and, on April 1, 2013, Magistrate Judge Boyd N. Boland entered an order directing Mr. Houston to cure certain deficiencies if he wished to pursue any claims. Specifically, Magistrate Judge Boland directed Mr. Houston 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. Houston was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. On May 1, 2013, Magistrate Judge Boland entered a minute order granting Mr. Houston an extension of time until May 31, 2013, to cure the deficiencies.

Mr. Houston has failed to cure all of the deficiencies within the time allowed. Although he filed a Prisoner Complaint (ECF No. 9) on May 30, 2013, he has failed either to pay the filing fee or to file a properly supported Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Mr. Houston did submit within the pages of the Prisoner Complaint a certified copy of his inmate trust fund account statement dated April 15, 2013 (see ECF No. 9 at 3-4), and an uncertified copy of his inmate trust fund account statement for the month of April 2013 (see ECF No. 9 at 53). However, he has not filed a motion seeking leave to proceed *in forma pauperis* and he has not submitted an authorization to calculate and disburse filing fee payments as he was directed to do if he intends to seek leave to proceed *in forma pauperis* in this action. Therefore, the action will be dismissed without prejudice for failure to cure all of 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 Prisoner Complaint and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Houston failed to cure all of 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 6th day of June, 2013.

BY THE COURT:

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