

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00833-BNB

ALLEN WATKINS,

Plaintiff,

v.

CAPT. D. TANNER,  
SGT. T. VAUGHAN,  
LT. J. NITSCH,  
SGT. ARMSTRONG,  
CO ROSS,  
CO LARSON,  
DENVER POLICE DEPARTMENT, and  
ADREEN GREEN,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Allen Watkins, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Centennial Correctional Facility in Cañon City, Colorado. He filed *pro se* a Prisoner Complaint (ECF No. 9) and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 8). He was granted leave to proceed *in forma pauperis* pursuant to § 1915.

On June 5, 2013, Magistrate Judge Boyd N. Boland directed Mr. Watkins to file within thirty days an amended Prisoner Complaint that complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure and the Local Rules of Practice for this Court, asserted the personal participation of each named Defendant, and sued the proper parties. See ECF No. 11. The order warned Mr. Watkins that if he

failed to file an amended complaint as directed within the time allowed, the Prisoner Complaint and the action would be dismissed without further notice.

Mr. Watkins has failed to file an amended Prisoner Complaint as directed in the June 5 order, or otherwise to communicate with the Court in any way. Therefore, the Prisoner Complaint and the action will be dismissed for Mr. Watkins' failure to file an amended Prisoner Complaint as directed within the time allowed, and for his 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 Mr. Watkins 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 Prisoner Complaint (ECF No. 9) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Allen Watkins, within the time allowed, to file an amended Prisoner Complaint as directed in the order of June 5, 2013 (ECF No. 11), and for his 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 12<sup>th</sup> day of July, 2013.

BY THE COURT:

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