

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00949-BNB

JEREMY ALEXANDER ROUSE,

Plaintiff,

v.

JUDGE MULBAHILL,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Jeremy Alexander Rouse, currently is incarcerated at the Boulder county jail. He submitted *pro se* a complaint (ECF No. 1). The Court reviewed the complaint and determined it was deficient. Therefore, on April 15, 2013, Magistrate Judge Boyd N. Boland entered an order (ECF No. 3) directing Mr. Rouse to cure certain deficiencies in the case within thirty days if he wished to pursue his claims.

The April 15 order pointed out that Mr. Rouse failed to submit either the \$350.00 filing fee or a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on the proper, Court-approved form, i.e., the current form revised October 1, 2012, with an authorization and certificate of prison official, together with a certified copy of his trust fund account statement for the six-month period immediately preceding this filing obtained from the appropriate prison official. The April 15 order also pointed out that Mr. Rouse failed to submit his complaint on the proper, Court-approved Prisoner Complaint form. The order directed him to obtain, with the

assistance of his case manager or the facility's legal assistant, the Court-approved forms for filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint. The April 15 order warned Mr. Rouse that if he failed to cure the designated deficiencies within thirty days, the action would be dismissed without prejudice and without further notice.

Mr. Rouse has failed to cure the designated deficiencies within the time allowed, or otherwise to communicate with the Court in any way. Therefore, the complaint and action will be dismissed without prejudice for Mr. Rouse's failure to cure the designated deficiencies 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. Rouse 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 complaint and action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Jeremy Alexander Rouse, to cure the deficiencies designated in the order to cure of April 15, 2013, within the time allowed 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 22nd day of May, 2013.

BY THE COURT:

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