

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00965-BNB

MERLE LEFT HAND BULL,

Plaintiff,

v.

[NO DEFENDANTS NAMED],

Defendants.

ORDER OF DISMISSAL

Plaintiff, Merle Left Hand Bull, is a prisoner in the custody of the United States Bureau of Prisons at the Federal Correctional Institution in Florence, Colorado. Plaintiff initiated this action by filing *pro se* a letter to the Court (ECF No. 1) complaining about the conditions of his confinement. The instant action was commenced and, on April 16, 2013, Magistrate Judge Boyd N. Boland entered an order directing Plaintiff to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland directed Plaintiff 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. Plaintiff was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On May 3, 2013, Plaintiff filed a letter to the Court in which he appeared to allege that he had been unable to obtain the necessary forms to cure the deficiencies in this action. On May 6, 2013, Magistrate Judge Boland entered a minute order directing the

clerk of the Court to mail the necessary forms to Plaintiff and granting Plaintiff an extension of time to cure the deficiencies.

Plaintiff has failed to cure the deficiencies within the time allowed. 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 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 action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Plaintiff 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 12th day of June, 2013.

BY THE COURT:

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