

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01148-BNB

WILLIAM DAVID GROSS,

Plaintiff,

v.

EL PASO COUNTY SHERIFF,
EL PASO COUNTY, COLORADO,
EL PASO COUNTY JAIL, and
EL PASO COUNTY DEPUTY,

Defendants.

ORDER OF DISMISSAL

Plaintiff, William David Gross, currently is detained at the Four Mile Correctional Center in Boulder, Colorado. Plaintiff, acting *pro se*, initiated this action by filing a Prisoner Complaint. Upon review of Plaintiff's Complaint, Magistrate Judge Boyd N. Boland directed Plaintiff to file an Amended Complaint and assert how all named parties personally participated in violating his constitutional rights. Plaintiff was given thirty days to file the Amended Complaint.

The Court finds that Magistrate Judge Boland correctly instructed Plaintiff to amend and assert personal participation. Therefore, because Plaintiff has failed to file an Amended Complaint within the time allowed the action will be dismissed.

Finally, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order is not 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 must also 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 and action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to file an Amended Complaint and for failure to prosecute. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied.

DATED at Denver, Colorado, this 14th day of June, 2013.

BY THE COURT:

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