

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01157-CBS

MARQUISE D. HARRIS,

Plaintiff,

v.

THE CITY & COUNTY OF DENVER (sued official capacity),
DENVER DEPARTMENT OF SAFETY (sued official capacity),
DENVER SHERIFF'S (sued individual and official capacity),
RAYMOND N. SATTER (sued individual and official capacity),
CLERK KIM (sued individual and official capacity),
BRIAN McNEILL #07012 (sued individual and official capacity), and
FRANK INGHAM (sued individual and official capacity),

Defendants.

ORDER OF DISMISSAL

Plaintiff, Marquise D. Harris, initiated this action by filing *pro se* a Complaint pursuant to 42 U.S.C. § 1983 alleging that his rights under the United States Constitution have been violated. On May 7, 2013, Magistrate Judge Craig B. Shaffer entered an order directing Mr. Harris to file an amended complaint that clarifies who he is suing and that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Mr. Harris was warned that the action would be dismissed without further notice if he failed to file an amended complaint within thirty days.

Mr. Harris has failed to file an amended complaint within the time allowed and he has failed to respond in any way to Magistrate Judge Shaffer's May 7 order. Therefore, the action will be dismissed without prejudice for failure to comply with a court order.

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 Complaint and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Harris failed to comply with a court order. 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