

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01164-BNB

J M (MARIA J) FAY,

Plaintiff,

v.

STATE OF COLORADO,
BOARD OF COUNTY COMMISSIONERS FOR ARAPAHOE COUNTY (BOCC), and
ARAPAHOE LIBRARY DISTRICT (ALD),

Defendants.

ORDER OF DISMISSAL

Plaintiff, J M (Maria J) Fay, filed *pro se* a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3) and a Complaint (ECF No. 1) pursuant to the Americans With Disability Act, 42 U.S.C. § 12101, *et seq.*, for injunctive relief and money damages. In an order (ECF No. 7) entered on May 6, 2013, Ms. Fay was granted leave to proceed pursuant to 28 U.S.C. § 1915 and directed to file within thirty days a legible amended Complaint that asserted the grounds for this Court's jurisdiction, complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure, and alleged Defendants' personal participation in the asserted constitutional violations. Ms. Fay was cautioned that the Complaint and the action would be dismissed without further notice if she failed within the time allowed to comply with the directives of the May 6 order.

Ms. Fay has failed to file an amended Complaint as directed in the May 6 order

or otherwise to communicate with the Court in any way. Therefore, the Complaint and the action will be dismissed for Ms. Fay's failure to file an amended Complaint as directed within the time allowed, and for her 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 Ms. Fay files a notice of appeal she 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 (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, J M (Maria J) Fay, within the time allowed, to file an amended Complaint as directed in the order of May 6, 2013 (ECF No. 7), and for her 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 13th day of June, 2013.

BY THE COURT:

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