

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01165-BNB

J M (MARIA J) FAY,

Plaintiff,

v.

STATE OF CO,
CO PUC,
RELAY CO,
AT&T as RELAY CO,
BOARD OF COUNTY COMMISSIONERS FOR ARAPAHOE COUNTY (BOCC),
ARAPAHOE COUNTY SHERIFFS OFFICE (ACSO),
ARAPAHOE COUNTY JAIL, and
FEDERAL COMMUNICATION COMMISSION (FCC),

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 (ADA), 42 U.S.C. § 12101, *et seq.*, for injunctive relief and money damages.

On June 12, 2013, Magistrate Judge Boyd N. Boland entered an order granting Ms. Fay leave to proceed pursuant to 28 U.S.C. § 1915 and directing her to file an amended Complaint that complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure, the Local Rules of Practice for this Court concerning legibility, and the requirements for an ADA lawsuit. The June 12 order warned Ms. Fay that if she failed to file an amended Complaint as directed within the time allowed, the

Complaint and the action would be dismissed without further notice. Ms. Fay has failed to comply with the directives of the June 12 order or otherwise to communicate with the Court in any way. Therefore, the Complaint and action will be dismissed without prejudice for Ms. Ray'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 and 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, to file an amended Complaint as directed in the order of June 12, 2013, within the time allowed, 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 the motion for injunction (ECF No. 4) and any other pending motions are denied as moot.

DATED at Denver, Colorado, this 19th day of July, 2013.

BY THE COURT:

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