

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-01197-BNB

MICHAEL BACOTE

Plaintiff,

v.

A. BALSICK, ADX, Correctional Officer, and
G. SANDUSKY, ADX, Correctional Officer,

Defendants.

ORDER OF DISMISSAL

Plaintiff is in the custody of the United States Bureau of Prisons and currently is incarcerated at ADX in Florence, Colorado. Plaintiff, acting *pro se*, initiated this action by submitting a Prisoner Complaint. In an order entered on May 7, 2013, the Court instructed Plaintiff to cure certain deficiencies if he wished to pursue his claims. Specifically, the Court instructed Plaintiff that his name is not properly presented in the caption of the Complaint and 28 U.S.C. § 1915 Motion and Affidavit and that he failed to provide complete and accurate information in Section E. of the complaint form.

The Court warned Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. Plaintiff has not communicated with the Court, and as a result he has failed to cure the deficiencies within the time allowed. Therefore, the action will be dismissed.

The Court also 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 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 cure all deficiencies and for failure to prosecute. It is

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

FURTHER ORDERED that all pending motions are denied as moot.

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