

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01227-BNB

ANTONIO HARRIS,

Plaintiff,

v.

[NO DEFENDANTS NAMED],

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Antonio Harris, is a prisoner in the custody of the United States Bureau of Prisons at the United States Penitentiary in Florence, Colorado. Mr. Harris initiated this action by filing *pro se* a letter to the Court (ECF No. 1) inquiring about appointment of counsel to assist him with issues regarding his prison classification and placement. On May 9, 2013, Magistrate Judge Boyd N. Boland entered an order directing Mr. Harris to cure certain deficiencies if he wished to pursue any claims in this action. Specifically, Magistrate Judge Boland directed Mr. Harris to file a Prisoner Complaint and either to pay the \$350.00 filing fee or to file a properly supported motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Mr. Harris was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Harris has failed to cure the deficiencies within the time allowed and he has failed to respond in any way to Magistrate Judge Boland's May 9 order. Therefore, the

action will be dismissed without prejudice for failure to cure the deficiencies.

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 action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Harris failed to cure the deficiencies as directed. 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 14<sup>th</sup> day of June, 2013.

BY THE COURT:

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