

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01328-BNB

LAWRENCE M. JIRON,

Plaintiff,

v.

STATE OF COLORADO, an Agency,  
JOHN W. HICKENLOOPER, Governor,  
THE UNKNOWN DIRECTOR OF D.O.C.,  
FREMONT COUNTY COURTS, an Agency,  
JUDGE DAVID M. THORSON, an Agent,  
OFFICE OF THE DIST. ATTORNEY – FREMONT COUNTY,  
THOMAS K. LeDOUX, Dist. Attorney, Fremont County, and  
MICHAEL L. PIRRAGLIA, Dist. Attorney,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Lawrence M. Jiron, is an inmate in the custody of the Colorado Department of Corrections at the Sterling Correctional Facility in Sterling, Colorado. Mr. Jiron has filed *pro se* a Prisoner Complaint (ECF No. 1) and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3). Mr. Jiron is challenging the validity of his conviction in Fremont County District Court case number 11CR18. The Court notes that Mr. Jiron also has filed an application for a writ of habeas corpus challenging the validity of the same conviction. *See Jiron v. Falk*, No. 13-cv-00306-BNB (D. Colo. filed Feb. 5, 2013). In the instant action, Mr. Jiron seeks damages and other relief. For the reasons stated below, the action will be dismissed.

Mr. Jiron has been permanently enjoined from filing *pro se* civil complaints in the

District of Colorado without first obtaining leave of court to proceed *pro se*. See *Jiron v. County of Alamosa*, No. 95-cv-01075-EWN (D. Colo. Sept. 17, 1998). In order to obtain permission to proceed *pro se*, Mr. Jiron must submit with any complaint he seeks to file a "Petition Pursuant to Court Order Seeking Leave to File a *Pro Se* Action" that includes certain information specified in the sanction order. Mr. Jiron has not filed the necessary petition seeking leave to file a *pro se* action and he has not provided the information specified in the sanction order. Therefore, the action will be dismissed because Mr. Jiron has failed to comply with the sanction 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 Prisoner Complaint and the action are dismissed without prejudice because Plaintiff has failed to comply with the order enjoining him from filing *pro se* civil complaints. It is

FURTHER ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3) is DENIED as moot. 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 23<sup>rd</sup> day of May, 2013.

BY THE COURT:

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