

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01381-BNB

DARLENE GRIFFITH,

Plaintiff,

v.

DAVID TESSIER, H.S.A.,  
JOY HART, M. H. Supervisor,  
GARY MORGAN, Clinician for M. H.,  
JAN SYLVIA, Clinician for M. H.,  
DANIEL PLAGGE, Clinician for M. H.,  
DOUG ROBERTS, P.P.M.U. ,  
JOHN DOE, P.P.M.U. at K.C.C.F.,  
HOPE C. BEATHE, Ph.D.,  
JAMES MICHAUD, Ph.D.,  
PAUL FRANTZ, M.D.,  
TIMOTHY CREANY, Cheif [sic] Medical Officer,  
DAVID REPART, Lt.,  
SALVAGE, Captin [sic], and  
FRED GIFFORD, Associate Warden,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Darlene Griffith, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Colorado Territorial Correctional Facility. He submitted *pro se* two different Prisoner Complaints (ECF Nos. 1 and 3) and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 4). He was granted leave to proceed pursuant to 28 U.S.C. § 1915.

On June 3, 2013, Magistrate Judge Boyd N. Boland ordered Mr. Griffith to file within thirty days on the Court-approved form an amended Prisoner Complaint that

complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure and the Local Rules of Practice for this Court and alleged the personal participation of each named Defendant in the asserted constitutional violations. Magistrate Judge Boland warned Mr. Griffith that if he failed to comply with the June 3 order within the time allowed, the Prisoner Complaints and the action would be dismissed without further notice.

Mr. Griffith has failed to file an amended Prisoner Complaint as directed in the June 3 order, or otherwise communicate with the Court in any way within the time allowed. Therefore, the Prisoner Complaints and the action will be dismissed for Mr. Griffith's failure to file an amended Prisoner Complaint as directed within the time allowed, and for his 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 Mr. Griffith files a notice of appeal he 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 Prisoner Complaints (ECF Nos. 1 and 3) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Darlene Griffith, within the time allowed, to file an amended Prisoner Complaint as directed in the order of June 3, 2013 (ECF No. 6), and for his 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 22<sup>nd</sup> day of July, 2013.

BY THE COURT:

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