

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01382-BNB

TIMOTHY DOYLE YOUNG,

Plaintiff,

v.

A. W. KUTA,  
KENNETH CRANK, and  
COUNSELOR FOSTER,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Timothy Doyle Young, 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 pleading titled, "Civil Complaint." In an order entered on May 29, 2013, Magistrate Judge Boyd N. Boland directed Plaintiff, as he has done on numerous prior occasions, to file his claims on a Court-approved form used in filing prisoner complaints and to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Magistrate Judge Boland also directed Plaintiff to submit a certified account statement or specifically state that he has requested an account statement but was denied the request.

Magistrate Judge Boland warned Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. On June 5, 2013, rather than comply with the May 29 Order, Plaintiff filed a pleading similar to the one he filed to initiate the action. The pleading was not on a Court-approved form.

Plaintiff also failed to submit a request to proceed pursuant to § 1915 and a certified account statement or documentation that he submitted a request for an account statement but was denied. Plaintiff, therefore, now has failed to comply with the May 29 Order within the time allowed, and 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 deficiencies and for failure to prosecute. It is

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

DATED at Denver, Colorado, this 9<sup>th</sup> day of July, 2013.

BY THE COURT:

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