

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01429-BNB

SCOTT ALEX COPLEN,

Plaintiff,

v.

ANTHONY OSAGIE,
DAVID ALLRED,
C. DANIELS,
D. BERKEBILE,
LISA GREGORY,
PAUL HARVEY,
(FNU) NEHLS,
PAUL LAIRD,
(FNU) MCDERMOTT, and
FEDERAL BUREAU OF PRISONS,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Scott Alex Coplen, is a prisoner in the custody of the Federal Bureau of Prisons who currently is incarcerated at the United States Penitentiary, Administrative Maximum, in Florence, Colorado. He submitted *pro se* a Prisoner Complaint (ECF No. 1) pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), for money damages and injunctive relief. He has been granted leave to proceed pursuant to 28 U.S.C. § 1915.

On June 24, 2013, Magistrate Judge Boyd N. Boland entered an order (ECF No. 9) directing Mr. Coplen to file within thirty days on the Court-approved form an amended Prisoner Complaint that sued the proper parties, 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. Coplen that if he failed to comply with the June 24 order within the time allowed, the Prisoner Complaint and the action would be dismissed without further notice. On July 1, 2013, the Court entered a minute order (ECF No. 12) denying as unnecessary Mr. Coplen's motion (ECF No. 11) filed on June 28, 2013, requesting an extension of time to file another affidavit and certified account statement because he already was granted leave to proceed pursuant to § 1915 and denying his request (ECF No. 11) also filed on June 28 for a free copy of the docket sheet in this action.

Mr. Coplen has failed to file an amended Prisoner Complaint as directed in the June 24 order, or otherwise communicate with the Court in any way within the time allowed concerning the June 24 order. Therefore, the Prisoner Complaint and the action will be dismissed for Mr. Coplen'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. Coplen 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 Complaint (ECF No. 1) and the action are

dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Scott Coplen, to file within the time allowed an amended Prisoner Complaint as directed in the order of June 24, 2013 (ECF No. 9), 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 31st day of July, 2013.

BY THE COURT:

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