

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01569-BNB

DEBBIE E. DEVAN,

Plaintiff,

v.

AEGIS BUSINESS SERVICE,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Debbie E. DeVan, who resides in Aurora, Colorado, initiated this action on June 14, 2013, by filing *pro se* a Title VII Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915.

In a June 18, 2013 Order, the Court denied Ms. DeVan leave to proceed *in forma pauperis* under 28 U.S.C. § 1915 because the affidavit in support of her § 1915 Motion showed that Ms. DeVan and her husband have a combined monthly income of \$6,236.00, with monthly expenses totaling \$5,300.00. As such, the Court concluded that Ms. DeVan had the financial means to pay the \$350.00 filing fee required pursuant to 28 U.S.C. § 1914, plus the \$50.00 administrative fee required by the District Court fee schedule. The Court ordered Ms. DeVan to pay the \$400.00 fee within thirty (30) days of the June 18 Order. The Court warned Ms. DeVan that failure to comply with the June 18 Order would result in dismissal of the action without further notice.

Ms. DeVan has now failed to pay the \$400.00 fee required to prosecute her civil action. Furthermore, she has not communicated with the Court since June 14, 2013.

Accordingly, this action will be dismissed.

Finally, 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 she must also 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 this action are dismissed without prejudice for the failure of Plaintiff, Debbie E. DeVan, to comply with the Court's June 18, 2013 Order to pay the \$400.00 fee (\$350.00 filing fee plus a \$50.00 administrative fee) and for failure to prosecute. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied. Ms. DeVan may file a motion in the Tenth Circuit Court of Appeals.

DATED at Denver, Colorado, this 26th day of July, 2013.

BY THE COURT:

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