

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02073-BNB

NORMAN SIMPSON,

Plaintiff,

v.

MARK ALLISON, Individually and in his Official Capacity, Parole Officer of the Colorado Department of Corrections,
SHAWN DEERINGO, Individually and in his Official Capacity, Parole Officer Supervisor of the Colorado Department of Corrections,
WENDY KENDALL, Individually and in her Official Capacity, Parole Officer Supervisor of the Colorado Department of Corrections,
TIM HAND, Individually and in his Official Capacity, Director of Adult Parole of the Colorado Department of Corrections,
BIJOU TREATMENT & TRAINING INSTITUTE, Individually and in its Official Capacity, Contractor with the Colorado Department of Corrections,
BI INCORPORATED, Individually and in its Official Capacity, Contractor with the Colorado Department of Corrections,
RICK RAEMISCH, Individually and in his Official Capacity, Executive Director of the Colorado Department of Corrections,
JOHN DOE, Individually and in his Official Capacity, Administrative Hearing Officer' Under Contract with the Colorado Board of Parole, and
The COLORADO BOARD OF PAROLE AND EACH OF ITS MEMBERS, Individually and in their Official Capacities as Members of the Colorado Board of Parole, Defendants.

ORDER OF DISMISSAL

On August 2, 2013, Plaintiff, Norman Simpson, acting *pro se*, submitted a Prisoner Complaint to the Court. At the time he initiated this action, Plaintiff was detained at the El Paso County Criminal Justice Center in Colorado Springs, Colorado. On August 6, 2013, Magistrate Judge Craig B. Shaffer entered an order instructing Plaintiff to amend the Complaint and state how each properly named defendant violated

his constitutional rights. Plaintiff was warned that the action would be dismissed without further notice if he failed to amend within thirty days. Subsequently, on August 28, 2013, Plaintiff requested an extension of time to amend, which Magistrate Judge Boyd N. Boland granted in a minute order entered on September 11, 2013.

On September 20, 2013, the envelope containing the September 11 Minute Order was returned to the Court with a notation to "Return To Sender Attempted Not Known Unable to Forward." Pursuant to D.C.COLO.LCivR 10.1M, Plaintiff has an obligation to notify the Court of a change in his mailing address within five days. Plaintiff has not submitted a change of address, or otherwise communicated with the Court since August 28, 2013, when he requested an extension of time. As a result, the Court will dismiss the action because Plaintiff has failed to amend the Complaint within the time allowed.

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 is 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 also pay the full \$455 appellate filing fee or file a motion to proceed *in forma pauperis* in 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 amend the Complaint and for failure to prosecute. It is

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

DATED October 21, 2013, at Denver, Colorado.

BY THE COURT:

s/Christine M. Arguello
CHRISTINE M. ARGUELLO
United States District Judge, for
LEWIS T. BABCOCK, Senior Judge
United States District Court