

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02305-BNB

DEBRA APPLEWHITE,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE, and  
PATRICK DONAHUE, Postmaster General,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Debra Applewhite, currently resides in Denver, Colorado. Ms. Applewhite, acting *pro se*, initiated this action by submitting a Complaint to the Court. On September 9, 2013, Magistrate Judge Boyd N. Boland directed Ms. Applewhite to submit her claims on a Court-approved form used in filing *pro se* complaints and either to file a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 or to pay the \$400 filing fee in full. Ms. Applewhite was warned that the action would be dismissed without further notice if she failed to cure the deficiencies within thirty days.

Plaintiff has failed to communicate with the Court since the September 9 order and, as a result, has failed to cure the deficiencies within the time allowed. The Court, therefore, will dismiss the action.

Finally, the Court 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 Ms. Applewhite files a notice of appeal she 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 action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure the deficiencies within the time allowed. It is

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

DATED at Denver, Colorado, this 10<sup>th</sup> day of October, 2013.

BY THE COURT:

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