

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02629-BNB

CHRISTIAN P. MACHADO,

Plaintiff,

v.

VISTALOFT/CARMEL PROPERTIES,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Christian Machado, resides in Saint Cloud, Florida. He initiated this action on September 25, 2013, by submitting *pro se* a Title VII Complaint.

On September 27, 2013, Magistrate Judge Boyd N. Boland directed Mr. Machado to cure certain deficiencies in this action. Specifically, Magistrate Judge Boland instructed Mr. Valdez to file a Title VII Complaint with Plaintiff's original signature, the address of Defendant, and the Notice of Right to Sue as required by paragraph 8 of the complaint. Magistrate Judge Boland warned Mr. Machado in the September 27 Order that failure to cure the designated deficiencies by the court-ordered deadline would result in dismissal of the action without further notice.

On October 25, 2013, Mr. Machado requested an extension of time to cure the deficiencies [ECF No. 5]. Magistrate Judge Boland granted Plaintiff's motion in a minute order on October 29, 2013, and allowed Mr. Machado an additional thirty days to cure the designated deficiencies [ECF No. 6]. Mr. Machado has failed to submit any documents in compliance with the September 27 Order and October 29 Minute Order.

Furthermore, Mr. Machado has not communicated with the Court since he requested an extension of time on October 25, 2013. The action therefore will be dismissed without prejudice. Accordingly, it is

ORDERED that this action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Christian Machado, to comply with the September 27 Order Directing Plaintiff to Cure Deficiencies and the October 29 Minute Order, and for failure to prosecute. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied. 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. *See Coppedge v. United States*, 369 U.S. 438 (1962). If Mr. Machado files a notice of appeal he must also pay the full \$505 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.

DATED at Denver, Colorado, this 5th day of December, 2013.

BY THE COURT:

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