

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03027-BNB

LEE R. NELSON,

Plaintiff,

v.

TRIUMPH MOTORCYCLES USA, and
ERICO MOTORSPORTS,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Lee R. Nelson, initiated this action by filing *pro se* a Complaint that was not signed and did not include a clear statement of jurisdictional authority or the claims being asserted. On December 6, 2013, in response to an order directing him to cure these deficiencies, Mr. Nelson submitted two documents (ECF Nos. 5 & 6) docketed as supplements/amendments to the Complaint that consist of the signature page from the Court-approved Complaint form, a supplemental civil cover sheet, a number of claims for relief, and various exhibits.

On December 11, 2013, Magistrate Judge Boyd N. Boland entered an order directing Mr. Nelson to file an amended complaint using the entire Court-approved Complaint form that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Mr. Nelson was warned that the action would be dismissed without further notice if he failed to file an amended complaint within thirty days. On January 8, 2014, Magistrate Judge Boland entered a minute order granting Mr. Nelson

an extension of time until February 10, 2014, to file an amended complaint as directed.

Mr. Nelson has failed to file an amended complaint within the time allowed.

Therefore, the action will be dismissed without prejudice for failure to comply with a court order. Furthermore, 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 he also must 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. Accordingly, it is

ORDERED that the Complaint and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Nelson failed to comply with a court order. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied without prejudice to the filing of a motion seeking leave to proceed *in forma pauperis* on appeal in the United States Court of Appeals for the Tenth Circuit.

DATED at Denver, Colorado, this 20th day of February, 2014.

BY THE COURT:

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