

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03054-BNB

JEREMY ANTHONY AGUIRRE,

Plaintiff,

v.

BRANDON SCHAEFER, Parole Chairman,  
RICK RAEMISCH, Exec. Dir. DOC,  
STEVE HAGAR, Internal Dir. Of Division of Adult Parole,  
JON VAN ZANT, Community Parole Officer, and  
CHAD CHADDICK, Parole Officer Supervisor,

Defendants.

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ORDER OF DISMISSAL

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On November 8, 2013, Plaintiff, Jeremy Anthony Aguirre, acting *pro se*, submitted a Prisoner Complaint to the Court. The envelope that contained the Prisoner Complaint states the return address for Plaintiff is "CMRC, 2925 East Las Vegas St., Colorado Springs, CO 80906." However, on Page Two of the Complaint form Plaintiff states that his address is "810 Andreo, Walsenburg, Colorado 81089."

On November 12, 2013, Magistrate Judge Boyd N. Boland entered an order directing Plaintiff to submit to the Court a certified trust fund account statement for the six-month period immediately preceding the filing of this action. Plaintiff was warned that the action would be dismissed without further notice if he failed to cure the deficiency within thirty days. The November 12, 2013 Order to Cure was returned to the Court on December 4, 2013. The envelope in which the Order was sent to Plaintiff was marked "Return to Sender Attempted Unknown Unable to Forward." Magistrate Judge Boland entered a Minute Order on December 6, 2013, and directed the Clerk of the

Court to resend the November 12, 2013 Order to Plaintiff at the address he provided on Page Two of the Prisoner Complaint form and allowed Plaintiff an additional thirty days to cure the deficiency.

Plaintiff now has failed to communicate with the Court, and as a result he has failed to cure the deficiency within the time allowed. The Court, therefore, will dismiss the action.

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 \$505 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 cure the deficiency and for failure to prosecute. It is

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

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 16<sup>th</sup> day of January, 2014.

BY THE COURT:

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