

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03251-BNB

RAENE' RAE READ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Raene' Rae Read, initiated this action by filing *pro se* a Complaint (ECF No. 1). On January 10, 2014, Magistrate Judge Boyd N. Boland entered an order directing Ms. Read to file an amended complaint within thirty days that clarifies the claims she is asserting and that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Ms. Read did not file an amended complaint as directed. However, on February 5, 2014, she did file a letter (ECF No. 7) that clarifies she is seeking judicial review of the final decision of the Commission of Social Security. On February 18, 2014, Magistrate Judge Boland entered a second order directing Ms. Read to file an amended complaint that complies with the pleading requirements of Rule 8. Ms. Read was warned that the action would be dismissed without further notice if she failed to file an amended complaint within thirty days.

Ms. Read has failed to file an amended complaint within the time allowed and she has failed to respond in any way to Magistrate Judge Boland's February 18 order.

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 she 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 (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Ms. Read 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 4th day of April, 2014.

BY THE COURT:

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