

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03338-BNB

OSCAR JUNIOR COLLINS-MCINTYRE,

Plaintiff,

v.

[NO NAMED DEFENDANT]

Defendant.

ORDER OF DISMISSAL

On December 11, 2013, Plaintiff, Oscar Junior Collins-McIntyre, an inmate at the Arapahoe County Detention Facility in Centennial, Colorado, submitted *pro se* a letter to the Court complaining about his conditions of confinement.

On December 12, 2013, Magistrate Judge Boyd N. Boland entered an order directing Plaintiff to cure certain deficiencies within thirty days if he wished to pursue his claims in this Court. Plaintiff was instructed to submit on the court-approved forms, a Prisoner Complaint and Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, or alternatively to pay the \$350.00 filing fee in full in advance. Plaintiff was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Plaintiff did not file any complaint or § 1915 motion and affidavit and has failed to communicate with the Court in any way since his letter on December 11, 2013. As a result, Plaintiff has failed to cure the deficiencies within the time allowed. The Court, therefore, will dismiss the action for failure to cure and for failure to prosecute.

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 deficiencies 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 23rd day of January, 2014.

BY THE COURT:

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