

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03514-BNB

BRANDON CHE LEE,

Plaintiff,

v.

[NO NAMED DEFENDANT],

Defendant.

ORDER OF DISMISSAL

Plaintiff, Brandon Che Lee, is in the custody of the Federal Bureau of Prisons at the Federal Correctional Institution in Florence, Colorado. He initiated this action on December 30, 2013 by filing a Letter with the Court complaining about his conditions of confinement.

On December 31, 2013, Magistrate Judge Boyd N. Boland reviewed Plaintiff's filing and determined that it was deficient. Magistrate Judge Boland directed Plaintiff to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint on the court-approved forms. Magistrate Judge Boland warned Plaintiff in the December 31 Order that failure to cure the deficiencies noted would result in dismissal of this action without further notice.

Plaintiff has now failed to comply with the December 31 Order. Further, he has not communicated with the Court since he initiated this action on December 30, 2013. 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, Brandon Che Lee, to comply with the December 31, 2013 Order Directing Plaintiff to Cure Deficiencies. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied for the purpose of appeal. 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 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 United States Court of Appeals for the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24. It is

DATED at Denver, Colorado, this 11th day of February, 2014.

BY THE COURT:

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