

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00033-BNB

WILLIAM A. COYLE,

Plaintiff,

v.

TIFFANY HOLUBEK, and
JANE DOE (OTHER DEFENDANTS),

Defendants.

ORDER OF DISMISSAL

Plaintiff, William A. Coyle, initiated this action by filing *pro se* a Prisoner Complaint (ECF No. 1) and Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3). Mr. Coyle has been granted leave to proceed *in forma pauperis*.

On February 6, 2014, Magistrate Judge Boyd N. Boland entered an order directing Mr. Coyle to file an amended complaint that clarifies the retaliation and access to the courts claims by providing specific factual allegations showing that he is entitled to relief. Mr. Coyle was warned that the action would be dismissed without further notice if he failed to file an amended complaint within thirty days.

Mr. Coyle has failed to file an amended complaint within the time allowed and he has failed to respond in any way to Magistrate Judge Boland's February 6 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 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 Prisoner Complaint (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Plaintiff has 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 21st day of March, 2014.

BY THE COURT:

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