

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00107-BNB

ROGER LEE HAYNES, and
ROGER LEE HAYNES JUNIOR,¹

Plaintiffs,

v.

UNION PACIFIC RAILROAD CO.,
ANTONIO ROBERTSON, and
AUDREY ANN DINGMAN ROBERTSON,

Defendants.

ORDER OF DISMISSAL

Plaintiffs, Roger Lee Haynes and Roger Lee Haynes Junior, reside in Wichita, Kansas. Plaintiffs initiated this action by filing *pro se* an “Affidavit of Financial Status in Support to Application for Appointment Counsel” and forty-seven pages of additional correspondence, court orders, statements, and miscellaneous items. In an order entered on January 15, 2014, Magistrate Judge Boyd N. Boland directed Plaintiffs to cure certain deficiencies if they wished to pursue their claims. Specifically, Magistrate Judge Boland directed Plaintiffs to file their claims and separate requests to proceed pursuant § 1915 on proper Court-approved forms.

Magistrate Judge Boland also informed Plaintiffs that this Court is aware that Roger Lee Haynes has been enjoined by the United States District Court for the District

¹ It is not clear whether Roger Lee Haynes is the same person as Roger Lee Haynes Jr. Therefore, both names are listed as plaintiffs.

of Kansas from filing any further actions that pertain to an on-the-job injury and subsequent termination of employment by Union Pacific Railroad on March 7, 1988. *See Haynes v. Union Pacific Railroad, et al.*, No. 00-01321-JTM (D. Kan. Dec. 8, 2000). Mr. Haynes was warned that this Court does not tolerate the abuse of the federal court system and any attempt by Mr. Haynes to relitigate the issues that were addressed by the District of Kansas in Case No. 00-1321-JTM will result in the same filing restrictions in this Court that are in place in the District of Kansas.

On January 23 and February 10, 2014, Mr. Haynes filed requests to proceed pursuant to 28 U.S.C. § 1915. The request filed on January 23 is not on a proper Court-approved form. The second request is on a proper form but does not include all of the required information. Roger Lee Haynes Jr. did not submit a separate § 1915 motion, nor did Roger Lee Haynes clarify whether Roger Lee Haynes Jr. is a different person than Roger Lee Haynes. Plaintiffs also have failed to submit their claims on a proper Court-approved form. Because Plaintiffs now have failed to comply with the January 15, 2014 Order to Cure Deficiencies the action will be dismissed.

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 will be denied for the purpose of appeal. *See Coppedge v. United States*, 369 U.S. 438 (1962). If Plaintiffs file a notice of appeal they 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 and action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with the Court's January 15, 2014 Order, within the time allowed, 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 20th day of February, 2014.

BY THE COURT:

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