

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00164-BNB

JUAN VIANEZ,

Plaintiff,

v.

STATE OF COLORADO, and  
MR. HICKENLOOPER,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Juan Vianez, is in the custody of the United States Bureau of Prisons at ADX in Florence, Colorado. Mr. Vianez, acting *pro se*, initiated this action by filing a pleading titled, "Oral Hearing (A) (Z) Demand \$10,000 Summon's [sic]/Venire Facias," ECF No. 1. On January 21, 2014, Magistrate Judge Boyd N. Boland entered an order and directed Mr. Vianez to cure certain deficiencies in the pleading. Specifically, Magistrate Judge Boland directed Mr. Vianez to submit his claims on a Court-approved form used in filing prisoner complaints. Magistrate Judge Boland also directed Mr. Vianez to submit a request to proceed pursuant to 28 U.S.C. § 1915 on a proper form along with a certified account statement showing the current balance in his trust fund account.

Magistrate Judge Boland warned Mr. Vianez that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. Rather than cure the deficiencies, Mr. Vianez submitted a filing that is nonsense and unresponsive

to the January 21, 2014 Order to Cure. Because Mr. Vianez now has failed to comply with the January 21 Order within the time allowed, the action will be dismissed without prejudice for failure to cure the deficiencies.

The Court 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 Mr. Vianez files a notice of appeal he must also pay the full \$505.00 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.

DATED at Denver, Colorado, this 28<sup>th</sup> day of February, 2014.

BY THE COURT:

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