

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00195-BNB

ROSS SUMPTER,

Plaintiff,

v.

RICK RAEMISCH, Exec. Dir. CDOC,  
JANE DOE, CDOC Time Comp.,  
JOHN DOE, CDOC Time Comp.,  
ARI ZAVARAS, Exec. Dir. CDOC,  
TOM CLEMENTS, Exec. Dir. CDOC, and  
JOHN SUTHERS, Exec. Dir. CDOC,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Ross Sumpter, is a prisoner in the custody of the Colorado Department of Corrections at the Fremont Correctional Facility in Cañon City, Colorado. Mr. Sumpter initiated this action by filing *pro se* a Prisoner Complaint (ECF No. 1) and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3). On January 24, 2014, Magistrate Judge Boyd N. Boland entered an order directing Mr. Sumpter to cure certain deficiencies if he wished to pursue his claims in this action. Specifically, Magistrate Judge Boland directed Mr. Sumpter to submit a certified copy of his inmate trust fund account statement as required pursuant to 28 U.S.C. § 1915(a)(2) as well as a signed authorization to calculate and disburse filing fee payments. Mr. Sumpter was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Sumpter has failed to cure the deficiencies within the time allowed and he has failed to respond in any way to Magistrate Judge Boland's January 24 order. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies.

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 and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Sumpter failed to cure the deficiencies as directed. 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. It is

FURTHER ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3) is denied as moot.

DATED at Denver, Colorado, this 4<sup>th</sup> day of March, 2014.

BY THE COURT:

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