

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00199-BNB

MEL BOMPREZZI,

Plaintiff,

v.

ARA OHANIAN,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Mel Bomprezzi, is in the custody of the Colorado Department of Corrections at the Centennial Correctional Facility at Cañon City, Colorado. Plaintiff initiated this action by filing *pro se* a pleading titled "Writ of Prohibition." On January 24, 2014, Magistrate Judge Boyd N. Boland directed Plaintiff to submit his claims on a Court-approved form used in filing *pro se* complaints and either to file a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 or to pay the \$400 filing fee in full. Plaintiff was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Plaintiff has failed to communicate with the Court and failed to cure the deficiencies within the time allowed. The Court, therefore, will dismiss the action.

Finally, 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 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 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 action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure the deficiencies within the time allowed. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied.

DATED at Denver, Colorado, this 4th day of March, 2014.

BY THE COURT:

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