

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00288-BNB

PIERRE A. RENOIR,

Plaintiff,

v.

LARIMER COUNTY, et al., unknown parties,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Pierre A. Renoir, a prison inmate in Virginia, initiated this action by filing *pro se* a complaint (ECF No. 1) and a letter to the Court (ECF No. 3). On January 31, 2014, Magistrate Judge Boyd N. Boland entered an order directing Mr. Renoir to cure certain deficiencies if he wished to pursue his claims in this action. Specifically, Magistrate Judge Boland directed Mr. Renoir to file a Prisoner Complaint on the court-approved form and either to pay filing and administrative fees totaling \$400.00 or to file on the court-approved form a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 along with a certified copy of his inmate trust fund account statement and an authorization to calculate and disburse filing fee payments. Mr. Renoir was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

In response to the order directing him to cure these deficiencies Mr. Renoir has filed a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §

1915 (ECF No. 6) that includes an authorization to calculate and disburse filing fee payments, and he has submitted a certified copy of his inmate trust fund account statement (ECF No. 14). Mr. Renoir also has filed a number of letters to the Court (ECF Nos. 5, 8, 9, 11, 12, & 13), a financial affidavit (ECF No. 10), and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action (ECF No. 7). However, he has failed to cure all of the deficiencies within the time allowed because he has failed to file a Prisoner Complaint on the proper form that identifies the claims he intends to pursue in this action. Therefore, the action will be dismissed without prejudice for failure to cure all of 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 complaint and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Renoir failed to cure all of 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 pending motions are denied as moot.

DATED at Denver, Colorado, this 12th day of March, 2014.

BY THE COURT:

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