

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00362-BNB

JIM NAVARRO,

Plaintiff,

v.

RICK G. KLEIN, and
STEVE RABE,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Jim Navarro, resides in Rocky Ford, Colorado. Plaintiff originally filed a civil rights complaint in the United States District Court for the Southern District of New York. The Southern District of New York determined that venue properly lies in this Court and transferred the case here on February 6, 2014. In an order entered on February 11, 2014, Magistrate Judge Boyd N. Boland directed Plaintiff to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland directed Plaintiff to submit his claims and request to proceed pursuant to 28 U.S.C. § 1915 on proper Court-approved forms. Magistrate Judge Boland warned Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On February 21, 2014, Plaintiff filed an Application to Proceed in District Court Without Prepaying Fees or Costs and a Motion to Request Counsel. The Application is not a Court-approved form that is used by *pro se* litigants to request leave to proceed *in forma pauperis* in this Court. Even if the Court considers the form, Plaintiff has failed to

provide sufficient answers to the questions that are asked on the form. Also, Plaintiff's request for counsel is premature. Submitting a request to proceed *in forma pauperis* on a proper Court-approved form does not involve complex issues and require assistance of counsel. The action, therefore, will be dismissed for failure to cure all deficiencies within the time allowed.

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 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 Complaint and action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with the February 11, 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 18th day of March, 2014.

BY THE COURT:

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