

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00397-BNB

JAHEEM R. HILTS,

Plaintiff,

v.

MENTAL HEALTH PARTNERS, and
SHARON PAULEY,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Jaheem R. Hilts, initiated this action while he was a patient at the Colorado Mental Health Institute at Fort Logan, Colorado, by filing *pro se* a Prisoner Complaint (ECF No. 1). Mr. Hilts currently resides in New York. On March 17, 2014, Mr. Hilts filed an amended complaint (ECF No. 7) on a nonprisoner form as directed. On April 10, 2014, Magistrate Judge Boyd N. Boland ordered Mr. Hilts to file a second amended complaint that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Mr. Hilts was warned that the action would be dismissed without further notice if he failed to file a second amended complaint within thirty days.

Mr. Hilts has failed to file a second amended complaint within the time allowed and has failed to respond in any way to Magistrate Judge Boland's April 10 order. Therefore, the action will be dismissed without prejudice for failure to comply with a court order.

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 (ECF No. 1), the amended complaint (ECF No. 7), and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Hilts failed to comply with a court order. 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.

DATED at Denver, Colorado, this 22st day of May, 2014.

BY THE COURT:

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