

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00473-BNB

HENRY MICHAEL HOUSTON,

Plaintiff,

v.

USA,

Defendant.

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ORDER OF DISMISSAL

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Plaintiff, Henry Michael Houston, is a prisoner in the custody of the Federal Bureau of Prisons at the United States Penitentiary, Administrative Maximum, in Florence, Colorado. Mr. Houston initiated this action by filing *pro se* a motion (ECF No. 1) which appears to seek relief in this Court. On February 25, 2014, Magistrate Judge Boyd N. Boland entered an order directing Mr. Houston to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland directed Mr. Houston to file on the proper form a Prisoner Complaint and either to pay filing and administrative fees totaling \$400.00 or to file a properly supported Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Mr. Houston was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Houston has failed to cure the deficiencies within the time allowed and has failed to respond in any way to Magistrate Judge Boland's February 25 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 \$505.00 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 Rule 41(b) of the Federal Rules of Civil Procedure because Plaintiff, Henry Michael Houston, failed to cure the deficiencies as directed. It is

FURTHER ORDERED that all pending motions are denied as moot. 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 4<sup>th</sup> day of April, 2014.

BY THE COURT:

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