

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00479-BNB

MICHAEL L. THOMPSON,

Plaintiff, named as Applicant,

v.

COLORADO'S DIVISION OF ADULT PAROLE,
STEVE HAGER, also named as CURRENT DIV. HEAD STEVE HAGER,
COLORADO PAROLE BOARD,
BRANDON SCHAFER, also named as FORMER DIR. BRANDON SCHAFER,
COLORADO'S DEPARTMENT OF CORRECTIONS,
EXEC. DIR. RICK RESMISCH,
DENVER SHERIFFS DEPARTMENT,
SHERIFF WILSON,
FORMER PAROLE BD. DIR. BECKY LUCERO,
FRMR. PAROLE BD. DIR. TIM HAND,
CURRENT DIR. MR. WILSON,
16 FORM. AND CURRENT PAROLE BD. MEMBERS,
JOHN/JANE DOE'S,
(CPO) GARY PACHECO,
CPO MICHELLE ANDERSON,
DIV. OF ADLT. PAROLE MELISSA GALARDO,
FORMER DIV. HEAD JOHN/JANE DOE,
CPO CHARLIE FEDER,
CPO MATT MINK,
FORMER EXEC. DIR. OF CDOC ARISTAD ZAVARES,
CURRENT EXEC. DIR. RICK RESMISCH,
TIME COMP. SUPER, MARY CARELSON,
CDOC PRIVATE PRISON MONITORS,
(PPMU) LT. SMELSER,
2 CMRC PPMs (MAY 2011) JOHN DOE'S,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Michael L. Thompson, is incarcerated at the Denver County Jail. He initiated the instant action by submitting *pro se* a Prisoner Complaint (ECF No. 1) pursuant to 42 U.S.C. § 1983, and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3). The Court reviewed the documents and determined they were deficient. Therefore, on February 27, 2014, Magistrate Judge Boyd N. Boland entered an order (ECF No. 7) directing Mr. Thompson to cure certain enumerated deficiencies in the case within thirty days if he wished to pursue his claims.

The February 27 order pointed out that Mr. Thompson failed to submit either the \$400.00 filing fee or a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on the proper, Court-approved form. The February 27 order also pointed out that Mr. Thompson failed to submit a Prisoner Complaint on the proper, Court-approved form that complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure, provided an address for each named Defendant, and listed all parties in the caption in lieu of using et al.

The February 27 order directed Mr. Thompson to obtain, with the assistance of his case manager or the facility's legal assistant, the Court-approved forms for filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint, and use those forms in curing the designated deficiencies and filing the amended Prisoner Complaint. The February 27 order warned him that if he failed to cure the designated deficiencies and file an amended Prisoner Complaint within thirty days, the Prisoner Complaint and the action may be dismissed without further notice.

On March 26, 2014, Mr. Thompson filed an amended Prisoner Complaint (ECF No. 16), a motion for the appointment of counsel (ECF No. 17), and a motion for this Court to order Defendants to provide copies of certain specified documents (ECF No. 18). On April 2, 2014, he filed a letter (ECF No. 19) concerning the conditions of his confinement. On April 10, 2014, he filed a letter (ECF No. 20) asking to file an additional claim.

Mr. Thompson has failed to cure all the designated deficiencies within the time allowed. Specifically, Mr. Thompson failed to submit either the \$400.00 filing fee or a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on the proper, Court-approved form together with a certified copy of his trust fund account statement for the six-month period immediately preceding this filing obtained from the appropriate prison official. Therefore, the amended Prisoner Complaint and the action will be dismissed without prejudice for Mr. Thompson's failure to cure all the designated deficiencies.

Finally, the Court certifies pursuant to § 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 Mr. Thompson 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

