

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00678-BNB

MAZEN J. KHERDEEN, and
JIM KHEN,

Plaintiffs,

v.

BARACK HUSSEIN OBAMA, et al.,

Defendants.

ORDER OF DISMISSAL

Plaintiffs, Mazan J. Kherdeen and Jim Khen, are detained at the Aurora Detention Center in Aurora, Colorado. They initiated this action on March 4, 2014, by filing a Prisoner Complaint pursuant to 28 U.S.C. § 1331 and *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). The Prisoner Complaint is signed by only one of the Plaintiffs. Mr. Kherdeen and Mr. Khen also submitted one Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 that is signed by both of them.

On March 6, 2014, Magistrate Judge Boyd N. Boland reviewed the documents and determined that they were deficient. Magistrate Judge Boland directed the Plaintiffs to file a Prisoner Complaint signed by both of them. He further instructed each Plaintiff to submit 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 showing the Plaintiff's account history for the six month period preceding their filing. (See ECF

No. 4). The Court advised Plaintiffs that they could pay the \$400 filing fee in the alternative. Magistrate Judge Boland warned Plaintiffs in the March 6 Order that failure to cure the deficiencies noted would result in dismissal of this action without further notice.

Plaintiffs have failed to comply with the March 6 Order. Further, neither Plaintiff has communicated with the Court since this action was initiated on March 4, 2014. Accordingly, it is

ORDERED that this action is DISMISSED without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiffs, Mazan J. Kherdeen and Jim Khen, to comply with the March 6, 2014 Order Directing Plaintiffs to Cure Deficiencies. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied for the purpose of appeal. 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. See *Coppedge v. United States*, 369 U.S. 438 (1962). If either Plaintiff files a notice of appeal he must also 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. It is

FURTHER ORDERED that all pending motions are DENIED as moot.

DATED at Denver, Colorado, this 15th day of April, 2014.

BY THE COURT:

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