

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00729-BNB

YIL JO YOUNG,
SALVADOR ALEJO,
AGAPITO JARAMILLO,
GUSTAVO RUBIO,
WILLIAM SANTOS,
MARIO GARCIA,
IVAN PEREZ,
ARLON SANTANDER,
MARTIN A. ROSAS,
YURI TZUL,
JOSE ALCANTAVA,
LUIS QUIMTANILLA,
ERICK N. BOCH,
BERTHARDO FERNANDEZ,
SANTOS DIAZ
XING LIN WANG,
OMAR TURCIOS,
ROGER TALANCON,
CRESCENCIO BARRAZA,
THO LE, and
BERTRAM C. JOHNSON,

Plaintiffs,

v.

SIX UNKNOWN NAMES AGENTS, or
MR. PRESIDENT OF THE UNITED STATES BARACK
OBAMA,

Defendants.

ORDER OF DISMISSAL

Plaintiffs are in the custody of the Alabama-Etowah County Jail in Gadsden, Alabama. Plaintiffs, acting *pro se*, initiated this action by filing a civil rights action under 42 U.S.C. § 1983. In an order entered on March 12, 2014, Magistrate Judge Boyd N. Boland directed Plaintiffs to file their claims on a Court-approved form used in filing

prisoner complaints. Magistrate Judge Boland also directed Plaintiffs either to pay the filing fee in full or to submit a separate Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 for each named Plaintiff. Magistrate Judge Boland warned Plaintiffs that the action would be dismissed without further notice if they failed to cure the deficiencies within thirty days.

Plaintiffs have failed to submit the \$400 filing fee or in the alternative submit a request to proceed pursuant to 28 U.S.C. § 1915. They also have failed to submit their claims on a Court-approved form. Because Plaintiffs have failed to comply with the March 12, 2014 Order, within the time allowed, the action will be dismissed.

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 Plaintiffs file 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.

The Court acknowledges the pending order in *Jo v. Six Unknown Names Agents, et al.*, No. 14-cv-00700-BNB (D. Colo. Filed Mar. 6, 2014), directing Plaintiff Young Yil Jo to show cause why he should not be subject to filing restrictions and monetary sanctions in this Court. Because the order to show cause was entered after this case was filed, the Court will refrain from addressing filing restrictions and monetary sanctions. Accordingly, it is

ORDERED that the Complaint and action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure all deficiencies and for failure to prosecute. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied.

DATED at Denver, Colorado, this 22nd day of April, 2014.

BY THE COURT:

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