

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00746-BNB

ANNIE RUTH SMITH,

Plaintiff,

v.

SOCIAL SECURITY,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Annie Ruth Smith, claims she is homeless but has provided to the Court a Denver address. On March 13, 2014, Plaintiff initiated this action by filing a *pro se* Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. On March 13, 2014, Magistrate Judge Boyd N. Boland entered an order directing Plaintiff to complete all sections of the Complaint form and to either have her request to proceed pursuant to 28 U.S.C. § 1915 notarized or certify the request pursuant to 28 U.S.C. § 1746. Plaintiff was warned that the action would be dismissed without further notice if she failed to cure the deficiencies within thirty days.

The March 13, 2014 Order to Cure was returned to the Court on March 24, 2014. The envelope containing the March 13 Order was improperly addressed. Magistrate Judge Boland directed the Clerk of the Court to resend the order to Plaintiff at the correct address and provided Plaintiff additional time to cure the deficiencies.

On March 31, 2014, Plaintiff submitted a Letter to the Court that is unresponsive to the March 13 Order. Plaintiff has not submitted any other filings. As a result, she has failed to cure the deficiencies within the time allowed. The Court, therefore, will dismiss the action.

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 is denied for the purpose of appeal. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Plaintiff files a notice of appeal she must also pay the full \$505 appellate filing fee or file a motion to proceed *in forma pauperis* in the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24. 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 the deficiencies and for failure to prosecute. It is

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

FURTHER ORDERED that all pending motions are denied as moot.

DATED April 25, 2014, at Denver, Colorado.

BY THE COURT:

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