

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00750-BNB

SIRRLOVE REESE WILLIAMS,

Plaintiff,

v.

[NO NAMED DEFENDANT],

Defendant.

ORDER OF DISMISSAL

Plaintiff, Sirrlove Reese Williams, is in the custody of the Colorado Department of Corrections at the Cheyenne Mountain Re-Entry Center in Colorado Springs, Colorado. He attempted to initiate the instant action by submitting *pro se* a letter (ECF No. 1) appearing to assert civil rights violations pursuant to 42 U.S.C. § 1983. The Court reviewed the letter and determined it was deficient. Therefore, on March 14, 2014, Magistrate Judge Boyd N. Boland entered an order (ECF No. 3) directing Mr. Williams to cure certain enumerated deficiencies in the case within thirty days if he wished to pursue his claims. The copy of the March 14 letter mailed to Mr. Williams was returned to the Court as undeliverable on March 24, 2014.

On April 24, 2014, the Court entered an amended order noting that due to a docketing error, the original order (ECF No. 3) directing Plaintiff to cure deficiencies was erroneously mailed to him on March 14 at the El Paso County Criminal Justice Center in Colorado Springs. The April 24 order, which was mailed to Plaintiff at his current and

correct address, pointed out that Mr. Williams 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 April 24 order also pointed out that Mr. Williams failed to submit a Prisoner Complaint on the proper, Court-approved form. The April 24 order directed Mr. Williams 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. The April 24 order warned him that if he failed to cure the designated deficiencies within thirty days, the action would be dismissed without prejudice and without further notice.

Mr. Williams has failed to cure the designated deficiencies within the time allowed, or otherwise communicate with the Court in any way. Therefore, the action will be dismissed without prejudice for Mr. Williams' failure to cure the designated deficiencies as directed within the time allowed and for his failure to prosecute.

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. Williams 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 for the failure of Plaintiff, Sirrlove Reese Williams, to cure the deficiencies designated in the amended order to cure of April 24, 2014, within the time allowed, and for his failure to prosecute. It is

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

FURTHER ORDERED that any pending motions are denied as moot.

DATED at Denver, Colorado, this 4th day of June, 2014.

BY THE COURT:

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