

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00753-BNB

JACKY V. ALDERMAN SR.,

Plaintiff,

v.

THE GEO GROUP, INC.,
TERESA E. HUNT, Individual and Personal Capacity,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Jacky V. Alderman Sr., resides in Hilliard, Florida. Plaintiff initiated this action in the United States District Court for the Middle District of Florida, which transferred the case to this Court pursuant to 28 U.S.C. § 1406(a). In an order entered on March 15, 2014, Magistrate Judge Boyd N. Boland directed Plaintiff to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland directed Plaintiff to submit his claims and request to proceed pursuant to 28 U.S.C. § 1915 on proper Court-approved forms. Magistrate Judge Boland warned Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

The March 15 Order to Cure was returned to the Court on March 24, 2014. The envelope in which the Order was sent to Plaintiff was marked “Return to Sender Not Deliverable as Addressed Unable to Forward.”

Rule 11.1(d) of the Local Rules of Practice of the United States District Court for the District of Colorado-Civil Rules states that a party must file a notice of a new

address within five days of any change of address. Nonetheless, Plaintiff has failed to update his address and has failed to cure the deficiencies within the time allowed.

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 Plaintiff files 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.

Accordingly, it is

ORDERED that the Complaint and action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with the March 15, 2014 Order, within the time allowed, 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 at Denver, Colorado, this 18th day of April, 2014.

BY THE COURT:

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