

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00986-BNB

TIMOTHY DOYLE YOUNG,

Plaintiff,

v.

FBI, and
USA,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Timothy Doyle Young, is in the custody of the United States Bureau of Prisons at ADX in Florence, Colorado. Originally, Plaintiff, acting *pro se*, initiated this action by filing a civil complaint in the United States District Court for the Southern District of Ohio (Southern District of Ohio). The Southern District of Ohio transferred the action to this Court pursuant to § 28 U.S.C. §§ 1391(b).

In an order entered on April 8, 2014, Magistrate Judge Boyd N. Boland instructed Plaintiff to submit his claims on a Court-approved form used in filing prisoner complaints. Plaintiff also was instructed to submit to the Court a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a certified copy of his inmate trust fund account statement for the six months prior to the filing of the instant action, if he desired to proceed *in forma pauperis*. Otherwise, he was directed to pay the filing fee prior to proceeding in this action.

Plaintiff has failed to submit his claims on a Court-approved form used in filing prisoner complaints, and he has failed either to pay the filing fee in full or to submit a proper 28 U.S.C. § 1915 Motion and Affidavit along with a certified trust fund account

statement for the six months preceding the filing date of this action within the time allowed. The action, therefore, 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 *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 he must pay the full \$505.00 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.

The Court acknowledges the pending order in *Young v. United States*, No. 14-cv-00073-LTB, ECF No. 20 (D. Colo. Filed Apr. 22, 2014), directing Plaintiff 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 action is dismissed without prejudice pursuant to Fed. R. Civ. 41(b) for failure to comply with the April 8, 2014 Order and cure deficiencies. It is FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied.

DATED at Denver, Colorado, this 23rd day of May, 2014.

BY THE COURT:

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