

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01012-BNB

CLAY O. WORTH,

Plaintiff,

v.

[NO NAMED DEFENDANT],

Defendants.

ORDER OF DISMISSAL

Plaintiff, Clay O. Worth, resides in Lakewood, Colorado. He initiated this action by filing *pro se* a Letter with the Court indicating an intent to sue unidentified defendants concerning medical over-billing and, possibly, the denial of appropriate medical care.

On April 9, 2014, Magistrate Judge Boyd N. Boland reviewed the submitted document and determined that it was deficient. Magistrate Judge Boland directed the Plaintiff, within thirty (30 days), to submit his claims on the court-approved Complaint form. Magistrate Judge Boland also instructed the Plaintiff to submit a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, on the court-approved form, within thirty (30) days, or, in the alternative, to pay the \$400.00 filing fee. (See ECF No. 3). Magistrate Judge Boland warned Plaintiff in the April 9 Order that failure to cure the deficiencies noted would result in dismissal of this action without further notice.

Plaintiff has now failed to comply with the April 9 Order. Indeed, Plaintiff has not communicated with the Court since this action was initiated on April 7, 2014.

Accordingly, it is

ORDERED that this action is DISMISSED without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Clay O. Worth, to comply with the April 9, 2014 Order Directing Plaintiff to Cure Deficiencies. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied for the purpose of appeal. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. See *Coppedge v. United States*, 369 U.S. 438 (1962). If either Plaintiff files a notice of appeal he must also 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.

DATED at Denver, Colorado, this 20th day of May, 2014.

BY THE COURT:

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