

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01018-BNB

TODD ANTHONY AURIT, also known as
TODD A. AURIT,

Plaintiff,

v.

JOHN W. SUTHERS, in his official capacity as Attorney General for the State of
Colorado and in his individual capacity,
ANGEL MEDINA, in his official capacity as Inmate Service Director for the Colorado
Department of Corrections and in his individual capacity,
GERALD MARRONEY, in his official capacity as Colorado State Court Administrator
and in his individual capacity,
LAURIE MCKAGER, in her official capacity as 18th Judicial District Court
Administrator and in her individual capacity,
LANCE INGALLS, in his official capacity as Douglas County Attorney and in his
individual capacity,
CHERYL LAYNE, in her official capacity as Clerk of Court/Comptroller of the Currency
for the County of Douglas and in her individual capacity and his [sic] individual
capacity,
RICHARD CASCHETTE, in his official capacity as Douglas County Colorado District
Judge and in his individual capacity,
PAUL KING, in his official capacity and [sic] his [sic] as Douglas County Colorado
District Judge and in his individual capacity,
GEORGE BRAUCHER, in his official capacity as District Attorney for the 18th Judicial
District of Colorado and in his individual capacity, [and]
ANY JOHN OR JANE DOE to be added at Plaintiff's discretion,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Todd Anthony Aurit, also known as Todd A. Aurit, is a prisoner in the custody of the Colorado Department of Corrections at the Fremont Correctional Facility in Canon City, Colorado. He initiated the instant action by submitting *pro se* a Prisoner Complaint (ECF No. 1) pursuant to 42 U.S.C. § 1983 and numerous other civil and

criminal statutes, and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3). The Court reviewed the documents and determined they were deficient. Therefore, on April 10, 2014, Magistrate Judge Boyd N. Boland entered an order (ECF No. 5) directing Mr. Aurit to cure certain enumerated deficiencies in the case within thirty days if he wished to pursue his claims.

The April 10 order pointed out that Mr. Aurit 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 10 order directed Mr. Aurit 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 10 order warned Mr. Aurit that if he failed to cure the designated deficiencies within thirty days, the action would be dismissed without prejudice and without further notice.

The April 10 order also informed Mr. Aurit that the amended Prisoner Complaint he was being directed to file may not assert violations of criminal law and must sue proper parties, be on the Court-approved form, comply with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure, and assert the personal participation of each named Defendant. The April 10 order warned Mr. Aurit that if he failed to cure the designated deficiencies or file an amended Prisoner Complaint as directed within the time allowed, the Prisoner Complaint and the action may be dismissed without further notice. Mr. Aurit has failed within the time allowed to cure the designated deficiencies, file an amended Prisoner Complaint as directed, or otherwise communicate with the Court in any way. Therefore, the Prisoner Complaint and the

action will be dismissed without prejudice for Mr. Aurit's failure to cure the designated deficiencies and file an amended Prisoner Complaint 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. Aurit 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 Prisoner Complaint (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Todd Anthony Aurit, to cure the deficiencies designated in the order to cure of April 10, 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 27th day of May, 2014.

BY THE COURT:

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