

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01117-BNB

DAWN M. HENSON,

Plaintiff,

v.

SOCIAL SECURITY ADMIN.,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Dawn M. Henson, resides in Georgetown, Colorado. She submitted *pro se* a Complaint (ECF No. 1) and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3). Plaintiff has been granted leave to proceed pursuant to 28 U.S.C. § 1915.

On April 22, 2014, United States Magistrate Judge Boyd N. Boland entered an order directing Ms. Henson to file an amended Complaint within thirty days. In the April 22 order, Ms. Henson was informed that she named an improper Defendant and that the appropriate Defendant in this action was the Commissioner of Social Security. See 20 C.F.R. § 422.210(d). The Court also explained that the Complaint did not comply with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. In particular, Ms. Henson failed to provide a short and plain statement of her claims showing that she is entitled to relief. The Court afforded Ms. Henson the opportunity to cure the deficiencies in her Complaint by submitting, within thirty days, an amended Complaint that asserted claims in compliance with Rule 8. Ms. Henson was warned

that if she failed to file an amended complaint that complied with the April 22 order within the time allowed, the action would be dismissed without further notice. Ms. Henson has failed to comply with the April 22 order within the time allowed or otherwise communicate with the Court in any way. Therefore, the Complaint and the action will be dismissed without prejudice.

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 Ms. Henson files a notice of appeal she also 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.

Accordingly, it is

ORDERED that the Complaint (ECF No. 1) and the action are dismissed without prejudice pursuant to Rules 8 and 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Dawn M. Henson, within the time allowed to file an amended Complaint as directed in the order of April 22, 2014 (ECF No. 5), and for her 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 30th day of May, 2014.

BY THE COURT:

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