

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01262-BNB

CECIL BYNUM,

Plaintiff,

v.

MUNICIPALITY CITY & COUNTY OF DENVER, and
JANE OR JOHN DOE,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Cecil Bynum, initiated this action by filing *pro se* a Prisoner Complaint (ECF No. 1). On May 23, 2014, Magistrate Judge Boyd N. Boland ordered Mr. Bynum to file an amended complaint that clarifies who he is suing and that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Mr. Bynum was warned that the action would be dismissed without further notice if he failed to file an amended complaint within thirty days.

Mr. Bynum has failed to file an amended complaint within the time allowed and he has failed to respond in any way to Magistrate Judge Boland's May 23 order. Therefore, the action will be dismissed without prejudice for failure to comply with a court order.

Furthermore, 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 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 also 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 Prisoner Complaint (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Bynum failed to comply with a court order. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied without prejudice to the filing of a motion seeking leave to proceed *in forma pauperis* on appeal in the United States Court of Appeals for the Tenth Circuit.

DATED at Denver, Colorado, this 1st day of July, 2014.

BY THE COURT:

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