

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01311-BNB

TERRANCE M. FARRELL III,

Plaintiff,

v.

STATE OF COLORADO,
RICK RAEMISCH,
ESTATE OF TOM CLEMENTS,
ROGER WERHOLTZ,
TONY CAROCHI,
ARISTEDES ZAVARIS,
JOE ORTIZ, and
JOHN SUTHERS,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Terrance M. Farrell III, is in the custody of the Colorado Department of Corrections at the Bent County Correctional Facility in Las Animas, Colorado. Plaintiff initiated this action by filing *pro se* a Prisoner Complaint, a Complaint and Jury Demand, and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. On May 20, 2014, Magistrate Judge Boyd N. Boland directed Plaintiff to cure certain deficiencies in the documents. Specifically, Magistrate Judge Boland directed Plaintiff to file his claims on one Court-approved form and to submit his request to proceed pursuant to 28 U.S.C. § 1915 on a proper Court-approved form that includes Plaintiff's authorization to allow the prison to calculate and disburse a filing fee for him.

Magistrate Judge Boland warned Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. On May 29, 2014, Plaintiff filed his claims on a proper Court-approved form, but he failed to submit his request to proceed pursuant to § 1915 on a current Court-approved form as required. The action, therefore, will be dismissed without prejudice for failure to cure the deficiencies within the time allowed.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order is not taken in good faith, and, therefore, *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 also 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 and action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure the deficiencies and for failure to prosecute. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied. It is

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 27th day of June, 2014.

BY THE COURT:

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