

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01395-BNB

GIBSON,

Plaintiff,

v.

COLORADO COURT OF APPEALS,
FREMONT COUNTY DISTRICT COURT,
DEPARTMENT OF CORRECTIONS,
DRDC (Denver Reception Diagnostic Center),
SCF (Sterling Correctional Facility),
CCF (Centennial Correctional Facility), and
CSP (Colorado State Penitentiary),

Defendants.

ORDER OF DISMISSAL

Plaintiff, Mr. Gibson, is in the custody of the Colorado Department of Corrections and is incarcerated at the Colorado State Penitentiary in Canón City, Colorado. He initiated this action on May 15, 2014, by submitting *pro se* a Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915.

On May 19, 2014, Magistrate Judge Boyd N. Boland reviewed the submitted documents and determined that the § 1915 Motion and Affidavit was deficient because the inmate account statement submitted by Plaintiff was not certified by the appropriate official at the prison. Magistrate Judge Boland directed Plaintiff to submit a certified copy of his inmate account statement for the six months preceding his filing within thirty (30) days of the May 19 Order. Magistrate Judge Boland warned Plaintiff in the May 19 Order that failure to cure the deficiencies noted would result in dismissal of this action

without further notice.

Plaintiff has failed to comply with the May 19 Order. Further, he has not communicated with the Court since he initiated this action on May 15, 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, Mr. Gibson, to comply with the May 15, 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 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. 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