

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01406-BNB

CHAD ANGLE,

Plaintiff,

v.

MICHAEL T. THAN,
STATE OF COLORADO,
COUNTY OF DENVER,
CITY OF DENVER,
DENVER COUNTY SHERIFF,
DEPUTY TILLMAN,
DEPUTY SIMS, and
DEPUTY JOHN DOE #1 and #2,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Chad Angle, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the San Carlos Correctional Facility in Pueblo, Colorado. Plaintiff, acting *pro se*, initiated this action by filing a Prisoner Complaint 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 entered an order and directed Plaintiff to cure certain deficiencies in the pleading. Specifically, Magistrate Judge Boland directed Plaintiff to submit a certified prisoner's trust fund account statement that covers the full six-month period immediately preceding this filing and to provide the addresses for each named defendant. Magistrate Judge Boland warned Plaintiff that the action

would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Rather than cure the deficiencies, Plaintiff submitted a Response to the Cure Order and stated he should not have to submit an account statement for the most recent six months or provide addresses for named defendants. Magistrate Judge Boland found Plaintiff's argument baseless and directed him to comply with the May 20 Order to Cure within twenty-one days. Plaintiff now has submitted the addresses required, but he has provided an account statement that still does not cover the full six-month period and, furthermore, is not certified.

Because Plaintiff has failed to comply with all the deficiencies noted in the May 20 Order within the time allowed, the action will be dismissed without prejudice for failure to cure the deficiencies.

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.

DATED at Denver, Colorado, this 23rd day of July, 2014.

BY THE COURT:

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