

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01449-BNB

PAUL C. ARCHULETTA,

Petitioner,

v.

[NO DEFENDANT/RESPONDENT NAMED],

Defendant/Respondent.

ORDER OF DISMISSAL

Petitioner, Paul C. Archuleta, initiated this action on May 22, 2014, by filing a Letter with the Court (ECF No. 1) that is completely unintelligible.

On May 27, 2014, Magistrate Judge Boyd N. Boland reviewed the submitted document and determined that it was deficient. Judge Boland directed Mr. Archuleta to file the appropriate pleading (i.e., Prisoner Complaint or an Application for a Writ of Habeas Corpus Pursuant to § 2254 or § 2241) on the court-approved form, within thirty (30) days, that complied with the requirements of Fed. R. Civ. P. 8. (ECF No. 3). Magistrate Judge Boland further instructed Petitioner to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 within thirty (30) days, or to pay the applicable filing fee. Magistrate Judge Boland warned Mr. Archuleta that failure to cure the deficiencies would result in dismissal of the action without further notice.

On June 4, 2014, Mr. Archuleta submitted a second letter to the Court that is incomprehensible. (ECF No. 4). He did not file a pleading on the court-approved form by the court-ordered deadline. Further, he has not submitted a § 1915 motion and

affidavit or paid the applicable filing fee. 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 Petitioner, Paul C. Archuletta, to comply with the May 27, 2014 Order Directing Petitioner 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 Mr. Archuletta 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.

DATED at Denver, Colorado, this 8th day of July, 2014.

BY THE COURT:

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