

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01479-BNB

TAMMARA D. KAISER,

Plaintiff,

v.

KIM RAFF,
ETHAN STORENG,
LEANE TOFSRUD, and
KARI KUNES,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Tammara Kaiser, initiated this action by filing *pro se* a Complaint (ECF No. 1). On June 16, 2014, Ms. Kaiser filed an Amended Complaint (ECF No. 6). On June 26, 2014, Magistrate Judge Boyd N. Boland entered an order directing Ms. Kaiser to file on the proper form a second amended complaint that clarifies the specific claims she is asserting and the specific relief she is seeking. Ms. Kaiser was warned that the action would be dismissed without further notice if she failed to file a second amended complaint within thirty days.

Ms. Kaiser, however, has failed to file a second amended complaint as directed. Therefore, the action will be dismissed without prejudice because Ms. Kaiser has failed within the time allowed to file a second amended application as directed.

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 she 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 action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Ms. Kaiser failed to prosecute and file a second amended complaint as directed. 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 4th day of August, 2014.

BY THE COURT:

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