

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01611-BNB

MICHAEL BEAU GIBSON ,

Plaintiff,

v.

[NO NAMED DEFENDANTS],

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Michael Beau Gibson, is in the custody of the Colorado Department of Corrections at the Colorado State Penitentiary. Mr. Gibson initiated this action by filing a certified copy of his prisoner inmate trust fund statement showing account activity for the six-month period preceding his filing, as well as an authorization for disbursement of the filing fee from his inmate trust fund account.

On June 9, 2014, Magistrate Judge Boyd N. Boland reviewed Mr. Gibson's filing and determined that it was deficient. Magistrate Judge Boland directed Plaintiff to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint on the court-approved forms. Magistrate Judge Boland advised Plaintiff that he could pay the \$400.00 filing fee in lieu of submitting a § 1915 motion and affidavit. Magistrate Judge Boland warned Plaintiff in the June 9 Order that failure to cure the deficiencies noted would result in dismissal of this action without further notice.

On June 17, 2014, Mr. Gibson submitted a Letter to the Court (ECF No. 4) in

which he states that “there was no complaint filed with this case number in our records, therefore we will not be filing another 28 U.S.C. § 1915 motion and affidavit for a [case] that has no complaint filed with it.”

Plaintiff has now failed to comply with the June 9 Order and his June 17 Letter indicates that he had no intention of doing so. 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, Michael Beau Gibson, to comply with the June 9, 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 Mr. Gibson 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 17<sup>th</sup> day of July, 2014.

BY THE COURT:

s/Christine M. Arguello  
CHRISTINE M. ARGUELLO  
United States District Judge, for  
LEWIS T. BABCOCK, Senior Judge  
United States District Court