

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01612-BNB

CALVIN WRIGHT,

Plaintiff,

v.

EL PASO COUNTY SHERIFFS, and
KEVIN ROZINA

Defendants.

ORDER OF DISMISSAL

Plaintiff, Calvin Wright, currently resides in Fountain, Colorado. Plaintiff, acting *pro se*, initiated this action by filing a Complaint that asserts he was injured at the time of his arrest and that he suffered a concussion, dehydration, syncope, and other injuries due to being handcuffed. Upon review of Plaintiff's Complaint, Magistrate Judge Boyd N. Boland directed Plaintiff to file an Amended Complaint and assert how all named parties personally participated in violation his constitutional rights. Plaintiff was given thirty days to file the Amended Complaint. Plaintiff now has failed to comply with the Order to File Amended Complaint within the time allowed.

Upon review of the Complaint, the Court finds that Magistrate Judge Boland correctly instructed Plaintiff to amend and assert personal participation. Therefore, because Plaintiff has failed to file an Amended Complaint within the time allowed the action will be dismissed.

Finally, 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 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 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.

Accordingly, it is

ORDERED that the Complaint and action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with a Court order to file an Amended Complaint 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 29th day of July, 2014.

BY THE COURT:

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