

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01706-BNB

JOHN BIRD TAYLOR,

Plaintiff,

v.

[NO NAMED DEFENDANT],

Defendant.

ORDER OF DISMISSAL

Plaintiff, John Bird Taylor, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Kit Carson Correctional Center in Burlington, Colorado. He attempted to initiate the instant action by submitting *pro se* a letter to the clerk of the Court (ECF No. 1).

The Court reviewed the letter and determined it was deficient. Therefore, on June 19, 2014, Magistrate Judge Boyd N. Boland entered an order (ECF No. 3) directing Mr. Taylor to cure certain enumerated deficiencies in the case within thirty days if he wished to pursue his claims.

The June 19 order pointed out that Mr. Taylor failed to submit either the \$400.00 filing fee or a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on the proper, Court-approved form, i.e., the current form revised October 1, 2012, with an authorization and certificate of prison official. The June 19 order also pointed out that he failed to submit a certified account statement for the six-

month period immediately preceding this filing. The June 19 order directed him to file a Prisoner Complaint on the proper, Court approved form. The order further directed him to obtain, with the assistance of his case manager or the facility's legal assistant, the current, Court-approved forms for filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Prisoner Complaint. The June 19 order warned Mr. Taylor that if he failed to cure the designated deficiencies within thirty days, the action would be dismissed without prejudice and without further notice.

Mr. Taylor has failed within the time allowed to cure the designated deficiencies or otherwise communicate with the Court in any way. Therefore, the action will be dismissed without prejudice for Mr. Taylor's failure to cure the designated deficiencies as directed within the time allowed, and for his failure to prosecute.

Finally, the Court certifies pursuant to § 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 Mr. Taylor files a notice of appeal he also must pay the full \$505.00 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 for the failure of Plaintiff, John Bird Taylor, to cure the deficiencies designated in the order to cure of June 19, 2013, within the time allowed, and for his failure to prosecute. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied. It is

FURTHER ORDERED that any pending motions are denied as moot.

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