

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01850-BNB

MAURICE L. THOMPSON,

Plaintiff,

v.

VALORIE J. ROBISON,
TASHA DOBBS, and
JOHN JONES,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Maurice L. Thompson, is incarcerated at the Mesa County Detention Facility in Grand Junction, Colorado. He attempted to initiate the instant action by submitting *pro se* a document titled "Notice of Claim" (ECF No. 1).

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

The July 3 order pointed out that Mr. Thompson 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 with an authorization and certificate of prison official. The July 3 order also pointed out that he failed to submit a certified account statement for the six-month period immediately preceding this filing.

The July 3 order also 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 July 3 order warned Mr. Thompson that if he failed to cure the designated deficiencies within thirty days, the action would be dismissed without further notice.

On July 14, 2014, Mr. Thompson filed a document titled "Affidavit of Service" (ECF No. 4). Mr. Thompson, however, has not paid the \$400.00 filing fee or filed a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Mr. Thompson also has not submitted a Prisoner Complaint on the proper, Court-approved form. Therefore, Mr. Thompson has failed within the time allowed to cure all the designated deficiencies. Accordingly, the action will be dismissed without prejudice for Mr. Thompson's failure to cure the designated deficiencies as directed within the time allowed.

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. Thompson 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, Maurice L. Thompson, to cure, within the time allowed, the deficiencies designated in the July 3, 2014 order to cure. 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 6th day of August, 2014.

BY THE COURT:

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