

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01914-BNB

AZFAR J. ANWAR,

Plaintiff,

v.

DEPARTMENT OF REVENUE, COLORADO DIVISION OF MOTOR VEHICLES, and
JOYCE GOODE-JOHNSON,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Azfar J. Anwar, initiated this action by filing *pro se* a Complaint and an Application to Proceed in District Court Without Prepaying Fees or Costs. Plaintiff has been granted leave to proceed pursuant to 28 U.S.C. § 1915. On July 10, 2014, Magistrate Judge Boyd N. Boland entered an order directing Plaintiff to file an Amended Complaint that complies with Fed. R. Civ. P. 8. Plaintiff also was instructed that he was to use a Court-approved form for the Amended Complaint. Plaintiff was warned that if he failed to comply with the July 10 Order within the time allowed the Complaint and the action would be dismissed without further notice. On July 25, 2014, Plaintiff filed an Amended Complaint, but he failed to use a Court-approved form.

Pursuant to D.C.COLO.L.CivR 8.2A., a *pro se* party shall use the forms established by the Court to file an action. Federal Rule Civil Procedure 83(a)(2) allows a federal district court's local rule requiring a form to be enforced unless the failure to comply with a rule is "nonwillful." Magistrate Judge Boland correctly instructed Plaintiff to submit his claims on a Court-approved form. Plaintiff does not state in any of his

filings that he is unable to obtain the proper Court-approved form used in filing complaints. Plaintiff also was able to use a proper Court-approved form for requesting leave to proceed without prepayment of fees or costs. Plaintiff's failure to use a Court-approved form for his Amended Complaint, therefore, is willful, and the Complaint and action will be dismissed for failure to comply with a Court order.

The Court also 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 is 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 \$505.00 appellate filing fee or file a motion to proceed *in forma pauperis* in 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 and for failure to prosecute properly. It is

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

DATED at Denver, Colorado, this 19th day of August, 2014.

BY THE COURT:

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