

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02010-BNB

GLADYS COOK nee BLAKE,

Plaintiff,

v.

McCULLISS RESOURCES, and
DAVID PALMER (deceased), Trustee for Federal Government,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Gladys Cook nee Blake, initiated this action by filing *pro se* a Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. On July 21, 2014, Magistrate Judge Boyd N. Boland entered an order directing Ms. Cook to cure certain deficiencies if she wished to pursue her claims in this action. Specifically, Magistrate Judge Boland advised Ms. Cook that the Complaint was not signed, the Complaint was incomplete, she failed to provide an address for each Defendant, and the motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 was not on the proper form. Ms. Cook was warned that the action would be dismissed without further notice if she failed to cure these deficiencies within thirty days.

Ms. Cook has failed to cure the deficiencies within the time allowed and she has failed to respond in any way to Magistrate Judge Boland's July 21 order. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies.

Furthermore, 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 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 she also must 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 (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Ms. Cook failed to cure the deficiencies as directed. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied without prejudice to the filing of a motion seeking leave to proceed *in forma pauperis* on appeal in the United States Court of Appeals for the Tenth Circuit. It is

FURTHER ORDERED that the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 2) is DENIED as moot.

DATED at Denver, Colorado, this 27th day of August, 2014.

BY THE COURT:

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