

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02040-BNB

DAVID L. ADAMS,

Plaintiff,

v.

[NO NAMED DEFENDANT]

Defendant.

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ORDER OF DISMISSAL

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Plaintiff, David L. Adams, is detained at the Boulder County Jail in Boulder, Colorado. Plaintiff initiated this action by filing *pro se* a Letter and an Affidavit. In the Letter, Plaintiff requests legal advice and states that he is challenging the jail's refusal to allow him access to the courts in a state criminal proceeding. In the Affidavit, Plaintiff states that he is a "sovereign citizen" and "as the people of this state," has the "sole and exclusive right of governing [himself] as a free, sovereign and independent state."

On July 25, 2014, Magistrate Judge Boyd N. Boland entered an order, construed the action as filed pursuant to 42 U.S.C. § 1983, and directed Plaintiff to cure certain deficiencies in the pleading. Specifically, Magistrate Judge Boland directed Plaintiff to submit a 28 U.S.C. § 1915 Motion and Affidavit, if he desires to proceed *in forma pauperis*, or in the alternative pay the filing fee, and to file his claims on a proper Court-approved form. Magistrate Judge Boland warned Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Rather than cure the deficiencies, Plaintiff submitted a filing titled "Motion to Dismiss" that he appears to have originally filed in the Boulder County District Court. In the Motion, Plaintiff again states, as he did in the Letter he filed to initiate this action,

that he is being denied access to the courts and to the jail law library. Plaintiff does not assert, however, that he is unable to obtain the proper forms for filing a prisoner complaint and a § 1915 motion or that this Court misconstrued the type of action he desires to file.

The action will be dismissed without prejudice for failure to cure deficiencies because Plaintiff has failed to comply with the July 25, 2014 Order within the time allowed.

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 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 cure the deficiencies and for failure to prosecute. It is

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

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 9<sup>th</sup> day of September, 2014.

BY THE COURT:

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