

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02041-BNB

JUSTIN WHITE,

Plaintiff,

v.

GREYSON, Correctional Officer,
DR. ENGLE,
ARAGON, Sgt., DRDC,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Justin White, initiated this action on July 22, 2014, by filing a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. (ECF No. 1). In the motion, Mr. White states that he intends to assert claims against the Defendants for “deliberate indifference” and “life endangerment.” (Id. at 1). Accordingly, the Court opened this case as a civil rights action pursuant to 28 U.S.C. § 1331 and *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

On August 4, 2014, Magistrate Judge Boyd N. Boland reviewed Mr. White’s filing and determined that it was deficient. Magistrate Judge Boland directed Plaintiff to submit a Prisoner Complaint on the court-approved form. Magistrate Judge Boland warned Plaintiff in the August 4 Order that failure to cure the deficiency noted would result in dismissal of this action without further notice.

Mr. White has failed to comply with the August 4 Order. He has not filed any documents in this action since July 22, 2104. Accordingly, it is

ORDERED that this action is DISMISSED without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Justin White, to comply with the August 4, 2014 Order Directing Plaintiff to Cure Deficiencies. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied for the purpose of appeal. 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. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Mr. White files a notice of appeal he must also 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.

DATED at Denver, Colorado, this 17th day of September, 2014.

BY THE COURT:

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