

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02130-BNB

TERRY WAYNE WHITAKER,

Plaintiff,

v.

ADAMS COUNTY COURT, and  
ALL LISTED AGENTS,

Defendants.

---

ORDER OF DISMISSAL

---

Plaintiff, Terry Wayne Whitaker, resides in Denver, Colorado. Plaintiff initiated this action by filing *pro se* a Complaint. In an order entered on August 7, 2014, Magistrate Judge Boyd N. Boland directed Plaintiff to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland directed Plaintiff to file his claims on a Court-approved form and either to submit a request to proceed pursuant to 28 U.S.C. § 1915 or pay the \$400 filing fee. Magistrate Judge Boland warned Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Plaintiff has failed to communicate with the Court and has failed to cure the deficiencies within the time allowed. The Court, therefore, will dismiss the action.

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 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 he 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 and action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with the August 7, 2014 Order, within the time allowed, and for failure to prosecute. It is

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

DATED at Denver, Colorado, this 17<sup>th</sup> day of September, 2014.

BY THE COURT:

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