

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02265-BNB

ABDULLAH KRU AMIN,

Plaintiff,

v.

WARDEN JAMES FALK, SCF,
LT. EVA LITTLE, Asst. Gang Corr., SCF,
LT. RAYMOND COLE, Disciplinary Chair, SCF, and
CAR VOIGTSBERGER, Classification Housing Manager, WYO,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Abdullah Kru Amin, is in the custody of the Colorado Department of Corrections at the Colorado State Penitentiary in Cañon City, Colorado. Plaintiff initiated this action by filing *pro se* a Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. On August 18, 2014, Magistrate Judge Boyd N. Boland entered an order directing Plaintiff to show cause why he should not be denied leave to proceed pursuant to § 1915 because he is subject to filing restrictions under § 1915(g).

Plaintiff filed a Response on August 26, 2014. The Court reviewed the Response, and in an order entered on August 29, 2014, found that because Plaintiff failed to assert with any specificity that he is in imminent danger of serious physical injury and he has filed at least three actions in a federal court that have been dismissed for failure to state a claim, his § 1915 Motion should be denied. The Court directed Plaintiff to pay the \$400 filing fee in full within thirty days. Plaintiff has failed to comply

with the August 29 Order within the time allowed. The Court, therefore, will dismiss this action.

Finally, 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 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) because Plaintiff failed to pay the filing fee in full within the time allowed. It is

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

DATED at Denver, Colorado, this 7th day of October, 2014.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
UNITED STATES DISTRICT COURT