

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02341-BNB

MICAH BLACKFEATHER,

Plaintiff,

v.

KAIRI VAHER,
WILLIAM J. MAY,
COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO,
RICHARD POUNDS, and
JENNIFER ENGLEMAN,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Micah Blackfeather, initiated this action by filing *pro se* a document titled “Motion to Initiate Cause of Action Regarding Violation of Constitutional Amendments” (ECF No. 1). This civil action was commenced and, on August 22, 2014, Magistrate Judge Boyd N. Boland entered an order directing Mr. Blackfeather to cure certain deficiencies if he wished to pursue any claims. Specifically, Magistrate Judge Boland directed Mr. Blackfeather to file on the proper form a Prisoner Complaint and either to pay filing and administrative fees totaling \$400.00 or to file a properly supported Prisoner’s Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Mr. Blackfeather was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On September 18, 2014, Mr. Blackfeather filed a notice of appeal (ECF No. 4)

from Magistrate Judge Boland's order directing him to cure deficiencies. On October 28, 2014, the United States Court of Appeals for the Tenth Circuit dismissed the appeal for lack of jurisdiction. (See ECF No. 7.)

Mr. Blackfeather has failed to cure the deficiencies within the time allowed. 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 he 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 "Motion to Initiate Cause of Action Regarding Violation of Constitutional Amendments" (ECF No. 1) is denied and the action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Blackfeather 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.

DATED at Denver, Colorado, this 4th day of November, 2014.

BY THE COURT:

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