

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02439-BNB

PAUL MICHAEL SUTTON,

Plaintiff,

v.

[NO NAMED DEFENDANT],

Defendant(s).

ORDER OF DISMISSAL

Plaintiff, Paul Michael Sutton, is detained at the Adams County Detention Facility. He initiated this action on September 2, 2014, by filing a Letter with the Court (ECF No. 1) complaining about the conditions of his confinement at the Adams County Detention Facility. The Court opened this case pursuant to 42 U.S.C. § 1983.

On September 3, 2014, Magistrate Judge Boyd N. Boland reviewed Mr. Sutton's filing and determined that it was deficient. Magistrate Judge Boland directed Plaintiff to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint on the court-approved forms. Magistrate Judge Boland advised Plaintiff that he could pay the \$400.00 filing fee in lieu of submitting a § 1915 motion and affidavit. Magistrate Judge Boland warned Plaintiff in the September 3 Order that failure to cure the deficiencies noted would result in dismissal of this action without further notice.

Mr. Sutton has failed to comply with the September 3 Order and has not

communicated with the Court since he initiated this action. 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, Paul Michael Sutton, to comply with the September 3, 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. Sutton 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 9th day of October, 2014.

BY THE COURT:

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