

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02464-BNB

DONNELL BARROW,

Plaintiff,

v.

JOHN DOE et al.,  
MEDICAL STAFF,  
ADMINISTRATION, and  
FBOP,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Donnell Barrow, is a prisoner in the custody of the Federal Bureau of Prisons who currently is incarcerated at the United States Penitentiary, High Security, in Florence, Colorado. On September 4, 2014, Mr. Barrow filed *pro se* a Prisoner Complaint (ECF No. 1) for injunctive relief and money damages pursuant to 28 U.S.C. § 1331 and *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), as well as 42 U.S.C. § 1985. Mr. Barrow has been granted leave to proceed pursuant to 28 U.S.C. § 1915.

On September 17, 2014, Magistrate Judge Boyd N. Boland entered an order directing Mr. Barrow to submit an amended Prisoner Complaint on the proper, Court-approved form that sued the proper parties, alleged the personal participation of each named defendant, complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure, and complied with the legibility requirements of Rule 10.1 of

the Local Rules of Practice for this Court. The September 17 order directed Mr. Barrow to obtain, with the assistance of his case manager or the facility's legal assistant, the Court-approved form for filing a Prisoner Complaint, and to use that form in filing an amended Prisoner Complaint. The September 17 order warned him that if he failed to file an amended Prisoner Complaint as directed within thirty days, some claims against some Defendants or the entire Prisoner Complaint and the action may be dismissed without further notice. On October 1, 2014, Magistrate Judge Boland entered a minute order directing the clerk of the Court to mail to Mr. Barrow the Court-approved form for filing a Prisoner Complaint, and allowing Mr. Barrow thirty days in which to file the amended Prisoner Complaint as directed in the September 17 order. The minute order reminded Mr. Barrow that failure to do so within the time allowed may result in the dismissal of the instant action.

Mr. Barrow has failed to file an amended Prisoner Complaint as directed within the time allowed, or otherwise to communicate with the Court in any way. Therefore, the Prisoner Complaint and the action will be dismissed without prejudice for Mr. Barrow's failure to file an amended Prisoner Complaint as directed within the time allowed, and for his failure to prosecute.

Finally, the Court certifies pursuant to § 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 Mr. Barrow files a notice of appeal he also must pay the full \$505.00 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 Prisoner Complaint (ECF No. 1) and the action are dismissed without prejudice pursuant to Rules 8 and 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Donnell Barrow, within the time allowed to file an amended Prisoner Complaint as directed on the proper, Court-approved form that sued the proper parties, alleged the personal participation of each named defendant, complied with the pleading requirements of Fed. R. Civ. P. 8, and complied with the legibility requirements of Rule 10.1 of the Local Rules of Practice for this Court, and for his failure to prosecute. It is

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

FURTHER ORDERED that any pending motions are denied as moot.

DATED at Denver, Colorado, this 7<sup>th</sup> day of November, 2014.

BY THE COURT:

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