

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02555-BNB

EVELY C. CONE,

Plaintiff,

v.

GERALD WHITMAN,
GREG JONES, and
DENVER POLICE DEPT.,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Evelyn C. Cone, initiated this action by filing *pro se* a Complaint (ECF No. 1). On September 24, 2014, Magistrate Judge Boyd N. Boland ordered Ms. Cone to file an amended complaint that lists an address where each Defendant may be served and that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Ms. Cone was warned that the action would be dismissed without further notice if she failed to file an amended complaint within thirty days.

On September 26, 2014, Ms. Cone filed two letters to the Court, and she filed a third letter on September 30, 2014. However, she has failed to file an amended complaint within the time allowed as directed. Furthermore, the letters do not identify addresses where Defendants may be served, nor do they provide a clear statement of the claims Ms. Cone is asserting as required pursuant to Rule 8. Therefore, the action will be dismissed without prejudice for failure to comply with a court order.

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 she 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 Complaint (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Ms. Cone failed to comply with a court order. 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 30th day of October, 2014.

BY THE COURT:

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