

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02646-BNB

TEDDY HOLLIE,

Plaintiff,

v.

DENVER HEALTH, Patient Advocate,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Teddy Hollie, submitted *pro se* a Prisoner Complaint (ECF No. 1) pursuant to 28 U.S.C. § 1343 and 42 U.S.C. § 1983. As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the Court determined that the complaint was deficient. On September 25, 2014, Magistrate Judge Boyd N. Boland entered an order (ECF No. 3) directing Plaintiff within thirty days to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. The September 25 order warned him that if he failed to cure the designated deficiencies within thirty days, the action may be dismissed without further notice.

On October 6, 2014, the copy of the September 25 order that was mailed to Plaintiff was returned to the Court as undeliverable. (See ECF Nos. 4 and 6).

Mr. Hollie has now failed within the time allowed to cure the designated deficiencies, file a notice of change of address as required by D.C.COLO.LCivR 11.1(d), or otherwise communicate with the Court in any way. Therefore, the Complaint and the action will be dismissed without prejudice for Plaintiff's failures (1) to cure the designated deficiencies as directed within the time allowed and (2) 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. Hollie 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 Complaint (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Teddy Hollie, to cure the deficiencies designated in the order to cure of September 25, 2014 (ECF No. 3), within the time allowed, 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 6th day of November, 2014.

BY THE COURT:

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