IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02688-BNB

KRISTOPHER BRACKIN,

Applicant,

v.

THE PEOPLE OF THE STATE OF COLORADO,

Respondent.

ORDER OF DISMISSAL

On September 30, 2014, Applicant Kristopher Brackin initiated this action by filing *pro se* a pleading titled, "Motion to Sentencing Reconsideration (35(b) Reconsideration) (11th Circuit Court Sentence)." On October 1, 2014, Magistrate Judge Boyd N. Boland entered an order and directed Applicant to submit his claims and a request to proceed *in forma pauperis* on proper Court-approved forms. Applicant was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Applicant now has failed to communicate with the Court. As a result, he has failed to cure the deficiencies within the time allowed. The Court, therefore, will dismiss the action.

The Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order is not taken in good faith, and, therefore, *in forma pauperis* status is denied for the purpose of appeal. *See Coppedge v. United States*, 369 U.S. 438 (1962). If Applicant 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 Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24. Accordingly, it is

ORDERED that the action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure the deficiencies and for failure to prosecute. It is

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

FURTHER ORDERED that no certificate of appealability shall issue because Applicant has failed to show that jurists of reason would find it debatable that the district court was correct in its procedural ruling. *See Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).

DATED at Denver, Colorado, this 7th day of November, 2014.

BY THE COURT:

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