

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02738-BNB

DEMIAN ROBBINS,

Plaintiff,

v.

STATE OF COLORADO,
CITY OF BOULDER,
PUBLIC DEFENDER'S OFFICE,
DISTRICT ATTORNEY'S OFFICE,
BOULDER POLICE DEPT.,
UNIVERSITY OF CO AT BOULDER LAW CLINIC,
OFFICER SCOTT SANDERS,
OFFICER ELLIOT DIMOND,
OFFICER MATT FITZGERALD, and
OFFICER BRIAN CONNELLY,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Demian Robbins, is an inmate at the Boulder County Jail in Boulder, Colorado. Mr. Robbins initiated this action by filing *pro se* a Prisoner Complaint (ECF No. 1). On October 7, 2014, Magistrate Judge Boyd N. Boland entered an order directing Mr. Robbins to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland directed Mr. Robbins to file an amended complaint that is signed and that lists an address for each Defendant and either to pay filing and administrative fees totaling \$400.00 or to file on the proper form a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 along with a certified copy of his inmate trust fund account statement and an authorization to

calculate and disburse filing fee payments. Mr. Robbins was warned that the action would be dismissed without further notice if he failed to cure these deficiencies within thirty days.

On October 17, 2014, Mr. Robbins filed a letter (ECF No. 4) and on October 22, 2014, he filed an amended Prisoner Complaint (ECF No. 5). However, he has failed to cure all of the deficiencies within the time allowed because he has failed either to pay filing and administrative fees totaling \$400.00 or to file on the proper form a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 along with a certified copy of his inmate trust fund account statement and an authorization to calculate and disburse filing fee payments. Therefore, the action will be dismissed without prejudice for failure to cure all of the deficiencies.

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 he 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 Prisoner Complaint, the amended Prisoner Complaint, and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Robbins failed to cure all of the deficiencies as directed. 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 13th day of November, 2014.

BY THE COURT:

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