

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02739-GPG

DEMIAN ROBBINS,

Plaintiff,

v.

CITY OF MANITOU SPRINGS,  
MANITOU SPRINGS POLICE DPT.,  
OFFICER NOLAN,  
SARGEANT BLAKE,  
STATE OF COLORADO,  
TERRY TALMADGE,  
JASON BLOUNT, and  
SARI HANNER,

Defendants.

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ORDER OF DISMISSAL

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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 22, 2014, Magistrate Judge Boyd N. Boland ordered Mr. Robbins to file an amended complaint that includes a complete address for each named Defendant and that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Mr. Robbins was warned that the action would be dismissed without further notice if he failed to file an amended complaint within thirty days.

On November 24, 2014, Mr. Robbins filed a document (ECF No. 11) that lists an address for each named Defendant. However, Mr. Robbins did not file an amended complaint that complies with the pleading requirements of Rule 8. On November 26,

2014, Magistrate Judge Gordon P. Gallagher entered a second order directing Mr. Robbins to file an amended complaint that complies with the pleading requirements of Rule 8. Mr. Robbins again was warned that the action would be dismissed without further notice if he failed to file an amended complaint within thirty days.

Mr. Robbins has not filed an amended complaint as directed and he has failed to respond in any way to Magistrate Judge Gallagher's November 26 order. Therefore, the action will be dismissed without prejudice for failure to prosecute and 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 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 (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Robbins failed to prosecute and 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 7<sup>th</sup> day of January, 2015.

BY THE COURT:

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