

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03008-BNB

JUAN VIANEZ,

Plaintiff,

v.

ADMINISTRATION DIVISION,
JUSTIN ANDREWS, and
BRADLEY T. GROSS,

Defendants.

ORDER CLOSING ACTION

Plaintiff Juan Vianez is in the custody of the Federal Bureau of Prisons and currently is incarcerated at the United States Penitentiary in Florence, Colorado. On October 16, 2014, Mr. Vianez initiated an action in the United States District Court for the District of Columbia (District of Columbia) that challenges the conditions of his confinement. The District of Columbia transferred the case to this Court on the same day because Plaintiff is detained in Colorado and it appears that all alleged events took place in Colorado and all named Defendants reside here.

Plaintiff is enjoined from filing a civil complaint in this Court unless he complies with the requirements of his filing restrictions under *Vianez v. United States*, No. 14-cv-01363-LTB, ECF No. 7 (D. Colo. July 1, 2014). To file a complaint in this Court Plaintiff must take the following steps:

1. File a motion titled, "Motion Pursuant to Court Order Seeking Leave to File a Pro Se Action;"
2. Attach to the Motion a copy of the injunction that imposes these

recommended filing restrictions;

3. Attach to the Motion a completed Court-approved prisoner complaint or habeas form and either pay the \$400 filing fee for a complaint or a \$5 filing fee for a habeas, or in the alternative submit a request to proceed pursuant to 28 U.S.C. § 1915 on a form that is approved by this Court and applicable to the action being filed, and attach a certified inmate account statement as required;

4. Attach a list of all prisoner complaints and 28 U.S.C. § 2241 actions Plaintiff currently has pending or has filed in all federal district courts;

5. Attach a notarized affidavit that certifies Plaintiff has not presented the same claims in another federal district court, that the claims are not frivolous or taken in bad faith, that the lawsuit is not interposed for any improper purpose to harass or cause unnecessary delay, and that the filing complies with this injunction, the Fed. R. Civ. P. 8, all other provisions of the Federal Rules of Civil, and the Local Rules of Practice of the United States District Court for the District of Colorado.

The Court will order the action closed because Plaintiff's filings do not comply with these filing restrictions.

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 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 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 Clerk of the Court is directed to close this action because Plaintiff has failed to comply with the filing restrictions set forth in *Vianez v. United States*, No. 14-cv-01363-LTB, ECF No. 7 (D. Colo. July 1, 2014). It is

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

DATED at Denver, Colorado, this 10th day of November, 2014.

BY THE COURT:

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