

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03083-GPG

KEYONNA L. MOORE,

Plaintiff,

v.

CIVIL TECHNOLOGY INC., a Colorado Corporation, and  
CARL BOURGEOIS, individually, and in his official capacity as Owner,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Keyonna L. Moore, initiated this action by filing *pro se* a Title VII Complaint (ECF No. 1) seeking damages and reversal of the decision to terminate her employment. On November 18, 2014, Magistrate Judge Gordon P. Gallagher entered an order directing Ms. Moore to file an amended complaint that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Magistrate Judge Gallagher noted that Ms. Moore failed to allege specific facts that demonstrate her rights under Title VII have been violated because she did not allege she suffered employment discrimination on the basis of her race, color, religion, sex, or national origin. See 42 U.S.C. § 2000e-2(a)(1).

On December 10, 2014, Ms. Moore filed a first “Amended Complaint” (ECF No. 6) asserting a violation of the Colorado Employment Security Act and a tort claim for defamation by libel. As relief Ms. Moore sought damages and an order “to demand the plaintiff to stop the distribution of libel” and “to reverse the Employment Termination.”

(ECF No. 6 at 5.) Ms. Moore asserted diversity jurisdiction over her claims in the first “Amended Complaint” pursuant to 28 U.S.C. § 1332. On December 18, 2014, Magistrate Judge Gallagher ordered Ms. Moore to show cause why the first “Amended Complaint” should not be dismissed for lack of subject matter jurisdiction because there is no diversity of citizenship and Ms. Moore did not assert any claims over which the Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

On January 16, 2015, in response to Magistrate Judge Gallagher’s order to show cause, Ms. Moore filed a second “Amended Complaint” (ECF No. 8). She alleges in the second “Amended Complaint” that the Court has subject matter jurisdiction over this action because her claims arise under Title VII of the Civil Rights Act of 1964. However, Ms. Moore still failed to provide a short and plain statement of any Title VII claim showing she is entitled to relief. Therefore, on February 11, 2015, Magistrate Judge Gallagher ordered Ms. Moore to file a third amended complaint that complies with the pleading requirements of Rule 8. Ms. Moore was warned that the action would be dismissed without further notice if she failed to file a third amended complaint within thirty days.

Ms. Moore has failed to file a third amended complaint that complies with the pleading requirements of Rule 8 within the time allowed and she has failed to respond in any way to Magistrate Judge Gallagher’s February 11 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 she 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 Title VII Complaint (ECF No. 1), the first “Amended Complaint” (ECF No. 6), the second “Amended Complaint” (ECF No. 8), and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Ms. Moore 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 19<sup>th</sup> day of March, 2015.

BY THE COURT:

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