

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03123-GPG

CRAIG ROBLEDO-VALDEZ,

Plaintiff,

v.

ANGELA TIDEMANN,
BRIAN KIRK, and
6 UNKNOWN CELL EXTRACTION TEAM MEMBERS,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Craig Robledo-Valdez, who does not appear to be a prisoner, initiated this action by filing *pro se* a “Prisoner Complaint” (ECF No. 1) claiming his rights were violated while he was incarcerated. On November 20, 2014, Magistrate Judge Gordon P. Gallagher entered an order directing Mr. Robledo-Valdez to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Gallagher directed Mr. Robledo-Valdez to file on the proper, nonprisoner form a Complaint and either to pay filing and administrative fees totaling \$400.00 or to file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form). Mr. Robledo-Valdez was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Robledo-Valdez has failed to cure the deficiencies within the time allowed and he has failed to respond in any way to Magistrate Judge Gallagher’s November 20

order. Therefore, the action will be dismissed without prejudice for failure to cure 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” (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Robledo-Valdez failed to cure 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 7th day of January, 2015.

BY THE COURT:

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