

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03149-GPG

LAWRENCE HARRIS,

Plaintiff,

v.

U.S. DISTRICT COURT,

Defendant.

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ORDER OF DISMISSAL

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Plaintiff Lawrence Harris, acting *pro se*, initiated this action by filing a Complaint that asserts fraud against the United States District Court. In the body of the Complaint, Plaintiff states that he originally sued the Tulsa 66ers for \$75,000, but now he is seeking the money from this Court for failure to act in his behalf and to grant his claim for \$75,000.

On November 21, 2014, Magistrate Judge Gordon P. Gallagher entered an order that determined the filing is deficient and directed Plaintiff either to submit an Application to Proceed in District Court Without Prepaying Fees or Costs, or in the alternative to pay the \$400 filing fee.

Magistrate Judge Gallagher also directed Plaintiff to file an Amended Complaint within thirty days if he wished to pursue his claims. The November 21 Order directed Plaintiff to obtain the Court-approved forms for filing an Application to Proceed in District Court Without Prepaying Fees or Costs and a Complaint, along with the applicable

instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov), and to use those forms to cure the designated deficiency and to file an Amended Complaint that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. The November 21 Order warned Plaintiff that if he failed to cure the designated deficiency or file an Amended Complaint as directed, within thirty days, the action may be dismissed without further notice.

On November 28, 2014, Plaintiff submitted an Amended Complaint that is not on a Court-approved form and is insufficient under Rule 8 requirements. Plaintiff also submitted a pleading titled, "Opinion and Order Motion to Dismiss," on December 1, 2014, and a second pleading titled, "Opinion and Order to Dismiss," on January 7, 2015. It is not clear whether Plaintiff is seeking to dismiss this action or is requesting that the Court enter judgment in his favor and direct a settlement. Plaintiff, however, failed to submit an Application to Proceed in District Court Without Prepaying Fees or Costs.

Local Rules 1.2 and 5.1(c) of the Local Rules of Practice - Civil for this Court require litigants to use the Court-approved forms found on the Court's website. Rule 83(a)(2) of the Federal Rules of Civil Procedure allows a district court to enforce a local rule imposing a form requirement unless it "causes a party to lose any right because of a nonwillful failure to comply." Fed. R. Civ. P. 83(a)(2). Plaintiff makes no mention of being unable to obtain the Court-approved forms for filing a Complaint or an Application to Proceed in District Court Without Prepaying Fees or Costs, nor did he ask the Court to mail him the forms because he was unable to obtain them. Generally, "dismissal is an appropriate disposition against a party who disregards court orders and fails to proceed as required by court rules." *United States ex rel. Jimenez v. Health Net, Inc.*,

400 F.3d 853, 855 (10th Cir. 2005) (citing *Nat'l Hockey League v. Metro Hockey Club, Inc.*, 427 U.S. 639, 642-43 (1976)).

The action, therefore, will be dismissed for failure to cure the deficiency designated in the November 21 order and to file an Amended Complaint that complies with Fed. R. Civ. P. 8 within the time allowed.

Finally, 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 \$505.00 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 Complaint and the action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure the noted deficiency and to file an Amended Complaint that complies with Fed. R. Civ. P. 8. It is

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

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 12<sup>th</sup> day of January, 2015.

BY THE COURT:

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