

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03234-GPG

JAHEEM R. HILTS,

Plaintiff,

v.

[NO DEFENDANTS NAMED],

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Jaheem R. Hilts, is a patient at the Colorado Mental Health Institute at Fort Logan in Denver, Colorado. Mr. Hilts initiated this action by filing *pro se* a document (ECF No. 1) he described as a complaint. On December 1, 2014, Magistrate Judge Gordon P. Gallagher ordered Mr. Hilts to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Gallagher directed Mr. Hilts to file an amended complaint on the proper form and either to pay filing and administrative fees totaling \$400.00 or to file a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Mr. Hilts was warned that the action would be dismissed without further notice if he failed to cure these deficiencies within thirty days.

On January 5, 2015, and again on January 16, 2015, Magistrate Judge Gallagher entered minute orders granting Mr. Hilts' requests for extensions of time to cure the deficiencies. In the January 16 minute order, Mr. Hilts was granted an extension of time until February 17, 2015, to cure the deficiencies and he again was advised that the action would be dismissed without further notice if he failed to cure all of the deficiencies

within the time allowed.

Mr. Hilts has not cured the deficiencies within the time allowed and he has not communicated with the Court in this action following his last request for an extension of time on January 16. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies within the time allowed. 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 complaint and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Hilts 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 23<sup>rd</sup> day of February, 2015.

BY THE COURT:

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