

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03264-GPG

KENNETH HOUCK, #06743-015,

Plaintiff,

v.

DEBRA DENHAM, Warden, Englewood FCI,

Defendant.

ORDER OF DISMISSAL

Plaintiff Kenneth Houck is in the custody of the Federal Bureau of Prisons and is currently incarcerated at the Englewood Federal Correctional Institution in Littleton, Colorado. Plaintiff initiated this action by filing *pro se* a pleading titled, "Motion for Court Intervention," in which he asks that the Court reverse his postconviction detention in the special housing unit and eliminate a possible transfer to another facility. In an order entered on December 4, 2014, Magistrate Judge Gordon P. Gallagher construed the action as challenging conditions of confinement and directed Plaintiff to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Gallagher directed Plaintiff to file his claims on a Court-approved form used in filing prisoner complaint and either to submit a request to proceed pursuant to 28 U.S.C. § 1915 or pay the \$400 filing fee. Magistrate Judge Gallagher warned Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Plaintiff now has failed to communicate with the Court, and as a result, he has

failed to cure the deficiencies within the time allowed. The Court, therefore, will dismiss the action.

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 Complaint and action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with the December 4, 2014 Order, within the time allowed, and for failure to prosecute. 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 12th day of January, 2015.

BY THE COURT:

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