

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-03411-LTB

ROBERT PAUL HATCHETT,

Plaintiff,

v.

CHARLES DARRAH,
DAVID FRANKLIN, and
MACHOL & JOHANNES LLC,

Defendants.

ORDER OF DISMISSAL

On December 18, 2014, Plaintiff, Robert Paul Hatchett, *pro se*, submitted an Application to proceed in District Court Without Prepaying Fees or Costs (ECF No. 1) and a Civil Cover Sheet (ECF No. 3) indicating that he had a consumer credit action. As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the court determined that Mr. Hatchett's documents were deficient. In an order entered on March 11, 2015, Magistrate Judge Gordon P. Gallagher directed Plaintiff to cure the deficiency if he wished to pursue his claims. Specifically, Magistrate Judge Gallagher informed Plaintiff he needed to file a civil complaint. That Order specifically informed Mr. Hatchett that the action would be dismissed without further notice if he failed to cure the deficiency within thirty days. No further pleadings have been filed by Plaintiff to date.

Plaintiff has failed to cure the deficiency within the time allowed. Therefore, the action will be dismissed without prejudice for failure to file a civil complaint.

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 is 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 also pay the full \$505 appellate filing fee or file a motion to proceed *in forma pauperis* in 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 deficiency and for failure to prosecute. It is

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

DATED at Denver, Colorado, this 16th day of April, 2015.

BY THE COURT:

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