

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03412-GPG

VINCENT MARTIN,
MARVELLA HARBIN, and
VINCENT ROSS MARTIN,

Plaintiffs,

v.

SHERMAN LEICHE,
VANNY VAUGHT,
WATCHTOWER SOCIETY,
PAUL BOURLESON,
JARED JOHNSON,
ARAPAHOE COUNTY SHERIFF'S DEPARTMENT,
SCOTTIE DAVIS, and
STATE OF COLORADO,

Defendants.

ORDER OF DISMISSAL

Vincent Martin initiated this action by submitting to the Court a Complaint (ECF No. 1) and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3). Vincent Martin subsequently filed a number of letters and other documents in this action. (See ECF Nos. 4 - 8.) Although the caption of the Complaint lists two individuals as Plaintiffs in addition to Vincent Martin, only Vincent Martin signed the Complaint. Therefore, Vincent Martin is the only proper Plaintiff. See 28 U.S.C. § 1654.

On January 7, 2015, Magistrate Judge Gordon P. Gallagher entered an order (ECF No. 9) directing Vincent Martin to cure certain deficiencies if he wishes to pursue

any claims in this action. Magistrate Judge Gallagher specifically advised Vincent Martin that the 28 U.S.C. § 1915 motion was not on the proper form and that the Complaint was incomplete because it did not include addresses, a jurisdictional statement, or any claims for relief. Vincent Martin was warned that the action would be dismissed without further notice if he failed to cure these deficiencies within thirty days.

Vincent Martin has filed two additional letters to the Court on January 8 and 22, 2015. (See ECF Nos. 10 & 11.) However, he has failed to cure any of the deficiencies specified in Magistrate Judge Gallagher's January 7 order within the time allowed. 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 Complaint and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Vincent Martin 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. It is

FURTHER ORDERED that the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3) is denied as moot.

DATED at Denver, Colorado, this 12th day of February, 2015.

BY THE COURT:

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