

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03419-GPG

CHAD ALEXANDER COLBORN,

Plaintiff,

v.

DENVER SHERIFF'S DEPT.,
DENVER COUNTY JAIL,
DENVER HEALTH SERVICES, and
DENVER COUNTY JAIL,

Defendants.

ORDER OF DISMISSAL

On December 18, 2014, Plaintiff Chad Alexander Colborn initiated this action by filing a Prisoner Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. On December 22, 2014, Magistrate Judge Gordon P. Gallagher granted Plaintiff leave to proceed pursuant to § 1915. On the same day, Magistrate Judge Gallagher also directed Plaintiff to file an Amended Complaint and assert personal participation by properly named defendants. Subsequently on December 23, 2014, the Court determined that Plaintiff had filed a notice of change of address in a separate pending case and directed the Clerk of the Court to resend the Order to Amend, ECF No. 6, and the Order Granting Leave to Proceed In Forma Pauperis, ECF No. 4, entered in this case, to Plaintiff at the new address.

Then the envelopes containing ECF Nos. 4 and 6 sent to Plaintiff at the Denver County Jail were returned to the Court on January 2 and 8, 2014, respectively. The envelopes, however, containing ECF Nos. 4 and 6, which were sent to the address Plaintiff had provided to us on December 19, 2014, have not been returned to the Court.

Finding Plaintiff has been properly notified of his requirement to amend the Complaint, he now has failed prosecute this case 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 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 action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure the deficiencies 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 30th day of January, 2015.

BY THE COURT:

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