

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03427-GPG

BILL GUINN,

Plaintiff,

v.

JUDGE DaVITA, Jefferson County District Court,
JUDGE RANDALL, Jefferson County District Court,
UNKNOWN COLORADO SUPREME COURT JUDGES,
JEFFCO COMBINED COURTS,
UNKNOWN JEFFCO DEPUTY DISTRICT ATTORNEYS,
JEFFCO DISTRICT ATTORNEY'S OFFICE,
BLOODWORTH, Jeffco Deputy Public Defender, and
JEFFCO DEPUTY PUBLIC DEFENDER'S OFFICE,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Bill Guinn, resides in Denver, Colorado. Plaintiff initiated this action by filing *pro se* a pleading titled, "Amended Complaint." In an order entered on December 22, 2014, Magistrate Judge Gordon P. Gallagher directed Plaintiff to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Gallagher directed Plaintiff to submit an Application to Proceed in District Court Without Prepaying Fees or Costs, or in the alternative to 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.

Rather than comply with the December 22 Order, Plaintiff filed two letters questioning the date entered on the Docket in this case for the filing of Plaintiff's Complaint. Plaintiff, however, did not comply with the December 22 Order within the time allowed. In a Minute Order entered on February 1, 2015, Magistrate Judge

Gallagher acknowledged Plaintiff's pending file date issue, but informed Plaintiff that he must cure the noted deficiencies before the Court will proceed with the action.

Magistrate Judge Gallagher allowed Plaintiff an additional fourteen days from the February 1 Minute Order to comply with the December 22, 2014 Order to Cure.

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 22, 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.

DATED at Denver, Colorado, this 19th day of February, 2015.

BY THE COURT:

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