

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03430-GPG

BYRON T. BROWN,

Plaintiff,

v.

SHERIFF DIGGINS, Denver Sheriff Department, and
JANE AND JOHN DOES, Six Denver Sheriffs, All in Their Official and Individual
Capacities,

Defendants.

ORDER OF DISMISSAL

Plaintiff Byron T. Brown currently is detained at the Denver County Jail in Denver, Colorado. Plaintiff initiated this action by filing *pro se* a Prisoner Complaint pursuant to 42 U.S.C. § 1983 and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Magistrate Judge Gordon P. Gallagher granted Plaintiff leave to proceed pursuant to § 1915 on December 22, 2014.

Magistrate Judge Gallagher also reviewed the merits of the Complaint and found that Plaintiff failed to assert personal participation by each named defendant. Plaintiff was directed to state specifically what each defendant did to him. He also was told that he may name John/Jane Doe defendants, but he must provide sufficient information about these defendants so they could be identified for the purpose of service.

Magistrate Judge Gallagher warned Plaintiff that if he failed to comply with the Order to Amend within the time allowed the Court would dismiss the action without further notice.

Plaintiff now has failed to comply with the December 22, 2014 Order within the

time allowed. The Court finds Magistrate Judge Gallagher correctly required Plaintiff to amend the Complaint, state personal participation by each defendant, and properly identify the John/Jane Doe defendants. The Court, therefore, will dismiss the action for failure to comply with a Court order and to prosecute.

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 paupers* 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 pampers* in 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 file an Amended Complaint and for failure to prosecute. It is

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

DATED at Denver, Colorado, this 29th day of January, 2015.

BY THE COURT:

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