

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03432-GPG

DELIA MONSIVAINS,

Plaintiff,

v.

DISH NETWORK,

Defendant.

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ORDER OF DISMISSAL

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Plaintiff, Delia Monsivais, currently resides in Westminster, Colorado. Ms. Monsivais initiated this action by filing *pro se* a Complaint and an Application to Proceed in District Court Without Prepaying Fees or Costs. On December 22, 2014, Magistrate Judge Gordon P. Gallagher entered an order directing Ms. Monsivais to cure certain deficiencies if she wished to pursue her claims. Specifically, Magistrate Judge Gallagher directed Ms. Monsivais to file a complete Application to Proceed in District Court Without Prepaying Fees or Costs, in which all questions in all sections were answered and a complete Complaint, in which all sections, including Jurisdiction, Claims for Relief and Supporting Allegations, and Request for Relief were completed. Ms. Monsivais was warned that the action would be dismissed without further notice if she failed to cure these deficiencies within thirty days.

On January 20, 2015, Ms. Monsivais filed a civil cover sheet (ECF No. 5). Ms. Monsivais has not filed a complete Complaint or a complete Application to Proceed in

District Court Without Prepaying Fees or Costs. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies within the time allowed.

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 she 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 action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Ms. Monsivais 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 any pending motions are denied as moot.

DATED at Denver, Colorado, this 28<sup>th</sup> day of January, 2015.

BY THE COURT:

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