

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03446-GPG

JAHEEM RASHON MARCUS ANTHONY HILTS,

Plaintiff,

v.

[NO DEFENDANTS NAMED],

Defendants.

ORDER OF DISMISSAL

Plaintiff, Jaheem Rashon Marcus Anthony Hilts, initiated this action by filing *pro se* a document (ECF No. 1) he described as a complaint. On January 5, 2015, Magistrate Judge Gordon P. Gallagher entered an order directing Mr. Hilts to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Gallagher directed Mr. Hilts to file an amended complaint on the proper form and either to pay filing and administrative fees totaling \$400.00 or to file a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Mr. Hilts was warned that the action would be dismissed without further notice if he failed to cure these deficiencies within thirty days.

On January 16, 2015, Mr. Hilts filed a letter (ECF No. 5) requesting an extension of time to cure the deficiencies and advising the Court of his new address at the Colorado Mental Health Institute at Fort Logan. Also on January 16, Magistrate Judge Gallagher entered a minute order (ECF No. 6) granting the request for an extension of

time and directing Mr. Hilts to cure the deficiencies on or before March 6, 2015. Mr. Hilts again was warned that the action would be dismissed without further notice if he failed to cure all of the deficiencies within the time allowed.

Mr. Hilts has not cured the deficiencies within the time allowed and he has not communicated with the Court in this action since his request for an extension of time was filed on January 16. 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 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 Mr. Hilts 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.

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

BY THE COURT:

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