

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03498-GPG

LAMAR DELRAY DAVIS,

Plaintiff,

v.

THE PUEBLO COUNTY SHERIFF'S DEPARTMENT JAIL,

Defendant.

ORDER OF DISMISSAL

Plaintiff Lamar Delray Davis currently is detained at the Pueblo County Detention Center in Pueblo, Colorado. Plaintiff initiated this action by filing *pro se* a Complaint form on which he asserts condition of confinement claims and a nonprisoner 28 U.S.C. § 1915 Motion and Affidavit form. In an order entered on December 31, 2014, Magistrate Judge Gordon P. Gallagher told Plaintiff that if he intends to pursue an action he must cure certain deficiencies. Specifically, Magistrate Judge Gallagher directed Plaintiff to file his claims on a proper Court-approved form (Prisoner Complaint form) that is used when a detainee challenges the conditions of his confinement and to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Magistrate Judge Gallagher warned Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On February 25, 2015, Plaintiff filed a Prisoner Complaint and a proper § 1915 Motion. He, however, did not include a properly certified prisoner account statement. Nonetheless, Magistrate Judge Gallagher entered a minute order on March 10, 2015,

that allowed Plaintiff an additional fourteen days to submit a complete and properly dated and signed § 1915 Motion. The fourteen days now has run. Plaintiff has not communicated with the court. 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 February 14, 2015 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. It is

FURTHER ORDERED that all pending motions are denied.

DATED at Denver, Colorado, this 16th day of April, 2015.

BY THE COURT:

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