

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03513-GPG

DEBORAH ROYBAL,

Plaintiff,

v.

McDONALDS,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Deborah Roybal, initiated this action by filing *pro se* a Complaint (ECF No. 1). On January 7, 2015, Magistrate Judge Gordon P. Gallagher ordered Ms. Roybal to file an amended complaint that provides an address where Defendant can be served and that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Ms. Roybal was warned that the action would be dismissed without further notice if she failed to file an amended complaint within thirty days.

On February 4, 2015, Ms. Roybal filed a "Motion to Appoint Attorney" (ECF No. 6) and a "Motion for Continuance to Complete Amended Complaint" (ECF No. 7). On February 5, 2015, Magistrate Judge Gallagher entered a minute order (ECF No. 8) denying the motion for appointment of counsel as premature and granting Ms. Roybal an extension of time until March 9, 2015, to file an amended complaint. Ms. Roybal again was warned that the action would be dismissed without further notice if she failed to file an amended complaint as directed within the time allowed.

Ms. Roybal has failed to file an amended complaint as directed within the time allowed and she has failed to communicate with the Court in any way since she filed the motions for appointment of counsel and an extension of time on February 4, 2015. Therefore, the action will be dismissed without prejudice for failure to prosecute and comply with a court order. 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 Complaint (ECF No. 1) is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Ms. Roybal failed to prosecute and comply with a court order. 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 13th day of March, 2015.

BY THE COURT:

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